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## Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

God of power, God of love, thank You for bringing us through life's many trials and reminding us that we belong to You. Keep our feet on the right path. Forgive our failure to sometimes see beyond today's challenging events and our unwillingness to trust the unfolding of Your loving providence. Lord, open our eyes that we may see the invisible world of Your unstoppable purposes and catch a new vision of Your glorious design for our world. Guide our Senators. Make them Your agents to bless humankind. And again we ask that You would be a shield for our troops in harm's way. We pray this in Your strong name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will immediately resume consideration of the Defense appropriations bill. Last night, we locked in an order of amendments to be offered over the course of the day. Although we have not locked in time agreements on these amendments, we expect to be voting on a couple of them

as early as 11 or 11:30 this morning. The chairman is here and is prepared to work through the remaining amendments to the bill. It is our expectation to complete this bill today or tonight.

As I stated yesterday, and as stated by the chairman as well, if—it is an “if”—we complete the Defense bill today and we are able to begin with the Homeland Security appropriations bill on Monday, there will be no rollcall votes during Friday's session. Again, that is if we complete the bill today. If not, we will go into tomorrow and have rollcall votes tomorrow.

Monday is a no-vote day. However, as has been mentioned on the floor, we would expect Members to be present on Monday to offer amendments to the Homeland Security bill.

As a reminder to all Senators, at 4 p.m. today the Prime Minister of Britain, the Right Honorable Tony Blair, will deliver an address to both Houses of Congress.

Senators have been notified—but I will remind them—that they are asked to gather in the Senate Chamber no later than 3:40 this afternoon in order to proceed to the Hall of the House of Representatives.

As we look ahead to next week, we will continue on the appropriations bills that are available. We will continue to have busy sessions throughout.

I remind Members that the last week prior to the recess will be devoted to completion of the Energy bill. I have been hoping to reach an agreement so that Members will file their amendments on the Energy bill no later than Wednesday of next week. That would enable the chairman and the ranking member to begin to work through the amendments prior to that final week of consideration.

I remind my colleagues that we began consideration of the Energy bill on May 6 of this year. I believe there has been more than adequate time to draft amendments, and therefore I hope

we can set this reasonable filing deadline. I know at this time there are objections on the other side of the aisle. However, I will continue to work with Senator DASCHLE and the assistant Democratic leader in an effort to reach this consent.

I thank all Members. As always, we will notify Senators as votes are scheduled throughout the day.

### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The assistant Democratic leader.

Mr. REID. Mr. President, first of all, Senator DODD has agreed to a time limit. As soon as the Senator has an opportunity to review his amendment, I am sure he will agree to that time limit.

Senator BYRD has an amendment he will offer following that. He said he would not agree to a time on this amendment, but he said he wouldn't take long.

As the leader knows, we have agreed to vote on Senator BYRD's amendment, and then Senator DODD wants a vote on his amendment after we complete the debate.

We have a list of the amendments we are going to offer. Senator BYRD has three. Other Senators have one each.

We should be able to move through this in a reasonable period of time—hopefully before too long. I assume the majority leader will have the Senate in recess from 3:30 until the time the Prime Minister of Britain completes his speech. I hope he follows the model and precedent of the most recent President as far as length is concerned so he doesn't take too much of our time off the floor.

The Senate will bring up the Energy bill. We worked hard on the Energy bill. Senator BINGAMAN and Senator DOMENICI have worked hard. But we have not even spent 2 full weeks on that bill. Last time we had 8 weeks. I

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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acknowledge that the last time, one of the reasons it took more time was ANWR, which this bill doesn't have in it. That will help us significantly. We will do what we did to cooperate with the majority on this bill.

As everyone knows, the Democratic leader wants this bill passed very badly. But I say to the distinguished majority leader, he can only do so much. There are more than 300 amendments on both sides. It will be a heavy task to get through this in a week.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I appreciate those comments. As I mentioned, we started on the Energy bill on May 6. We had 12 days of consideration on the floor of the Senate. The bill was marked up prior to that.

I have tried to lay this out from the outset recognizing that we are going to address the bill—and we spent 12 days on it—during the last week of this month so we can plan, so we can get amendments considered and get the list down to a manageable number.

The reason I come to the floor every day is that I want to encourage Members on both sides of the aisle to focus on this right now. I get this feeling and sense that people are going to say we are going too fast and we are running out of time. That is the only reason I stress this in just about every other statement and in every meeting. I think everybody understands that and is working. But I do want to complete this bill. We are setting adequate time to do that.

If we can come to some sort of agreement by midweek next week as to what amendments we will be looking at, it will be hugely helpful. That is what we are working for on both sides of the aisle.

#### PRIME MINISTER TONY BLAIR'S ADDRESS TO A JOINT MEETING OF CONGRESS

Mr. FRIST. Mr. President, let me comment briefly on Prime Minister Tony Blair's address to the joint meeting of Congress this afternoon. It is a historic time.

This afternoon, the Senate and the House of Representatives have that distinct honor of welcoming British Minister Tony Blair to address this joint meeting of the Congress. This type of address is the highest honor which Congress can bestow. Prime Minister Blair will be the fourth sitting Prime Minister of the United Kingdom to address a joint session of the United States and Congress, preceded only by Winston Churchill, Clement Richard Atlee, and Margaret Thatcher—three of history's greatest leaders.

Today's historic tribute signifies our abiding friendship and our deep respect not only for the Prime Minister but for the great people of the United Kingdom.

Throughout the last century, the United Kingdom and the United States

have stood shoulder to shoulder to defend the free people of the world. That is because our two nations share more than just history. We share deeply held principles of devotion to governance with the consent of the electorate, a devotion to justice based on the rule of law and the principles of due process and devotion to economic freedom based on a belief that every individual should be free to express his or her God-given talents.

Together, the United States and the United Kingdom defeated the twin evils of fascism and communism. Today, we stand together to defend democracy everywhere.

In Africa, the Middle East, and Europe, Prime Minister Blair has led the way to bring freedom to the oppressed, relief to the suffering, and the promise of peace to those living in war-torn regions.

In Sierra Leone, Prime Minister Blair led the effort to end a brutal and senseless civil war. In Kosovo and the Balkans, the Prime Minister rallied our two great nations to bring stability and security to that troubled region. In our great time of need, Prime Minister Blair has shown tremendous courage; he has shown tremendous resolve to defeat our enemies no matter how deep their caves or how fearsome their arsenal.

In Afghanistan, the United Kingdom contributed forces to Operation Enduring Freedom and led the International Security Assistance Force. In Iraq, Prime Minister Blair worked tirelessly to build the coalition to free the Iraqi people from the savagery of Saddam Hussein, a man who—and we should never forget this—used chemical weapons to commit mass murder against his neighbors as well as his own people.

Under the Prime Minister's leadership, the United Kingdom sent over 30,000 troops—nearly a fourth of the British military—to fight alongside our valiant women and men.

We are grateful for the Prime Minister and the British people for their strength and their resolve.

This afternoon, on behalf of the people of the United States, we will pay tribute to the Prime Minister for his courage and his vision. We will listen to his counsel. We will reaffirm the bond between our two great nations, purchased not by treasure or self-interest but by loyalty and brave mutual sacrifice.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized for not to exceed 25 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, some of this week's news headlines and lead stories on the evening news, when looked at together, raise important questions about our direction as a country and about key Federal Government policy—both economic policy and foreign policy. The economic issues raised affect the quality of life of every American family and the future of our children. The foreign policy issues touch on the reasons that thousands of Americans are deployed today in perilous circumstances in Iraq. As we all know, our soldiers are risking their lives daily in Iraq, and daily American troops are being killed.

On the economic front, the front page of the Washington Post reported earlier this week that the White House now projects that the Federal budget deficit will top \$450 billion this year: "Budget Deficit May Surpass \$450 billion." That is 50 percent higher than the administration predicted just 6 months ago. In 6 months it has increased by 50 percent. The administration's Office of Management and Budget also predicts a \$475 billion deficit for next year.

Now, a couple times in my remarks this morning I will be talking about low-balling. I think the \$450 billion budget deficit figure is a low-ball figure. I think the \$475 billion budget deficit estimate for next year is also a low-ball figure. I think they are both going to be in the neighborhood of  $\frac{1}{2}$  trillion or more.

Why could I possibly say that? One reason is that the projected \$475 billion deficit for next year does not include any accounting for the cost of the war in Iraq, or for our continued operations in Afghanistan. It is simply not there, as though it costs us nothing.

We now know, thanks to the recent hearing held by the Senate Armed Services Committee and the continued questioning of Secretary Rumsfeld, who at first did not have the figures for how much it was costing us on a monthly basis in Iraq, but was pressured by the Senators on the Armed Services Committee to get the figures during a break when the Senators came to vote—well, he came back, and what did we learn? We learned from Secretary Rumsfeld that the cost of our operations in Iraq are now running at about \$4 billion a month. That is \$1 billion a week.

Again, to those of us who have been around here for some time, and have seen how these figures have been skewed in the past, I also think that is a low-ball figure. I think the figures of our operations in Iraq, when all is said

and done, is going to be much closer to \$5 to \$6 billion per month. But we will take their figure, the administration's figure of \$4 billion a month.

Again, that number has been escalating. At the beginning of the war, the Defense Department said that the occupation costs would only be about \$2 billion a month. In June, it rose to \$3 billion a month. Now it is \$4 billion a month. That is just in Iraq. In Afghanistan, we are spending another \$1 billion each month. When you add up those two, that is about \$60 billion a year. That is not even in our budget.

We are on the Defense appropriations bill right now—a record \$369 billion for defense and not one penny in there for Afghanistan or Iraq. So when you see the figure of a \$450 billion deficit, hold your breath because it is going to go up. It is going to be bigger than that because of these costs in Iraq and Afghanistan.

But there is another reason why these deficits are going up. The basis for the \$450 billion deficit is certainly not the war in Iraq, and it is not what we are doing in Afghanistan; it is because of the President's massive tax cuts enacted in 2001 and this year—tax cuts that benefited the wealthiest in our society.

Over one-half of the benefits of the tax break bill in 2001 went to those people making over \$1 million a year. This year, we just added on to that. Based on the tax cuts enacted this year, a person making \$1 million a year in America now will get over \$93,000 a year in a tax cut. You wonder why we are having a \$450 billion deficit.

So those are the two paths our country is going down that I believe is putting us in dire jeopardy: The economic path of more and more massive tax breaks for those at the top—not investing in education, not investing in basic medical research, not investing in rebuilding our schools and our highways and bridges and roads, not investing in our infrastructure in our country, not investing in Early Start and Head Start, not investing in Well Start programs, not investing in higher education so our kids can get a chance to go to college, not investing in that—but taking the great wealth of this country and giving it, in tax breaks, to the wealthiest few.

That is the basis for why our economy is in a shambles. Then you add on to it the foreign policy debacle of the last 2 years. The foreign policy debacle is now leading us to spend \$60 billion a year on Afghanistan and Iraq, the foreign policy debacle that is leading to U.S. troops being killed every day in Iraq.

The headline in this morning's Washington Post: "'Guerilla' War Acknowledged."

The U.S. military's new commander in Iraq acknowledged for the first time yesterday that American troops are engaged in a "classical guerilla-type" war against remnants of former Iraqi president Saddam Hussein's Baath Party and said Baathist attacks are growing in organization and sophistication.

I guess we didn't learn anything from Vietnam, did we? I guess we just didn't learn a thing. No, we were so anxious to rush headlong into this war without getting the support of our allies, making this a United Nations effort, at least at a minimum a NATO effort, rather than a solo effort by the United States. Now when we look around and we need help in paying the bills, it is only the U.S. taxpayers who are being asked to pay. Make no mistake, the bills will be paid. We will pay those bills. And I will vote for this bill, too, because we can't pull the rug out from underneath our military. No one is talking about pulling our troops suddenly out of Iraq now that they are there. Certainly no one here in the Senate would suggest that we don't provide all that we can for their security and their success.

But we have to ask the tough questions of what got us here, what led us here, what policy decisions put us in this terrible situation. As we consider defense spending, it is appropriate to examine the cause of why we are committing \$1 billion a week in Iraq in addition to the cost of human lives.

Again, we can look at a second story from Tuesday's Washington Post. President Bush on Monday defended his State of the Union remarks on Iraq by saying:

I think the intelligence I get is darn good intelligence. And the speeches I have given were backed by good intelligence.

"President Defends Allegation on Iraq." Well, the President essentially, with these remarks, seems to be sticking with the story he told in his State of the Union Address. His spokesman days before had acknowledged that the President should not have claimed that Iraq was trying to buy uranium from Africa; that this claim was based on bad intelligence, forged documents. But the President did not renounce this claim. In fact, he seemed to stand by it.

President Bush also said the CIA doubts about the intelligence regarding Iraqi efforts to buy uranium in Africa were "subsequent" to the State of the Union Address. That is what the President said. However, we know this is not true. The CIA insisted last October that similar claims be removed from a speech the President delivered at that time.

And wonder of wonders, on July 14, the President said we went to war with Saddam Hussein "after we gave him a chance to allow the inspectors in, and he wouldn't allow them in." Just driving in this morning from home into the Senate, I was listening to the radio, and this was brought up on the radio. And you could hear the President's own words:

We gave him a chance to allow the inspectors in, and he wouldn't allow them in.

That has got to be one of the most bizarre statements I have ever heard not only any President but any public official ever make.

The fact is, last November, the inspectors were let in, led by Hans Blix.

They went into Iraq on November 18 last fall. And they were there doing their job. But continually President Bush said they couldn't do it, that they couldn't find anything. We kept trying to support the inspectors, some of us, but the President kept saying, no, they couldn't operate. The inspectors only left Iraq just before the bombs started falling.

And now for this President to say that Saddam Hussein wouldn't let them in has got to be something really bizarre. What could the President possibly be thinking? How could the President even utter such words?

The administration's claims about Iraq's nuclear program have always been at the center of their justification for the war in Iraq. In a speech in Cincinnati last October laying out the case for the resolution authorizing the use of force in Iraq, President Bush used the word "nuclear" 20 times in one speech. Perhaps his most dramatic statement raised the specter of a nuclear attack on the United States. President Bush warned in that speech:

Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that would come in the form of a mushroom cloud.

In March, shortly before the war began, Vice President CHENEY went further. He said: Hussein "has been absolutely devoted to trying to acquire nuclear weapons." And here is what the Vice President said in all seriousness:

And we believe he has, in fact, reconstituted nuclear weapons.

That is what Vice President CHENEY said last March.

We ask, where are the facts? We have yet to see any facts, only speculation based upon forged documents. That is a claim with absolutely no evidence behind it. And this is the Vice President of the United States.

So we have to ask, does President Bush stand by his claim that Iraq was trying to purchase uranium, or was that statement a mistake? It is not enough to blame an aide who stopped that claim once but allowed it—attributed to another source—the second time. It is not enough to claim, as another aide did, that the statement was technically true because it said that "the British Government has learned" about the alleged purchase attempt even though our own Government believed the allegations wrong.

It is time for President Bush to come clean. Does he believe his own claim? Did Iraq even have an active nuclear weapons program when we invaded? If so, then why have we not found any evidence for it in the months since the war ended? And if not, then why did we invade in the first place?

This is not just about one statement. It is about a war justified by claims that Iraq was actively pursuing nuclear weapons, by dire warnings about mushroom clouds. Yet the U.N. could not find any evidence of a continuing nuclear weapons program, and now apparently we can't either.

The administration can't hide that fact behind conflicting statements and wrong information. They can't continue to mislead and misdirect the American public and the Congress. The cost in money and in lives and in reputation is too great.

Is this really the culmination of a misguided policy started by a few individuals in the early 1990s, expounded and developed in the later 1990s, and now encompassed by some in this administration, a new doctrine called "preemption"; preemption, that we can somehow go in and militarily invade a country based not upon evidence, based not upon hard facts but based upon a kind of feeling, a supposition, maybe a belief, just a belief that they may, in fact, some day come to harm us?

George Will had a column in the newspaper on June 22 talking about the doctrine of preemption. He said something I thought was very interesting. He said:

To govern is to choose, almost always on the basis of very imperfect information. But preemption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

If I can interpret Mr. Will, I think he was saying that sometimes you can take certain actions, the consequences of which, if you are wrong, are not momentous. But to base military action under a doctrine of preemption on potential threats about which you do not have adequate facts, and based only upon a belief or a feeling, the results of that can be terribly momentous.

Mr. Will goes on to say:

Some say the war was justified—

That is what we are hearing now.

—even if [weapons of mass destruction] are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for preemptive war.

I ask unanimous consent that Mr. Will's entire column of June 22 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Union (Albany, NY), June 22, 2003]

THE MISSING WEAPONS DO MATTER

(By George Will)

WASHINGTON.—An antidote for grand imperial ambitions is a taste of imperial success. Swift victory in Iraq may have whetted the appetite of some Americans for further military exercises in regime change, but more than seven weeks after the President said, "Major combat operations in Iraq have ended," combat operations, minor but lethal, continue.

And overshadowing the military achievement is the failure—so far—to find, or explain the absence of, weapons of mass destruction that were the necessary and sufficient justification for pre-emptive war. The doctrine of pre-emption—the core of the President's foreign policy—is in jeopardy.

To govern is to choose, almost always on the basis of very imperfect information. But pre-emption presupposes the ability to know things—to know about threats with a degree of certainty not requisite for decisions less momentous than those for waging war.

Some say the way was justified even if WMDs are not found nor their destruction explained, because the world is "better off" without Saddam. Of course it is better off. But unless one is prepared to postulate a U.S. right, perhaps even a duty, to militarily dismantle any tyranny—on to Burma?—it is unacceptable to argue that Saddam's mass graves and torture chambers suffice as retrospective justifications for pre-emptive war. Americans seem sanguine about the failure—so far—to validate the war's premise about the threat posed by Saddam's WMDs, but a long-term failure would unravel much of this President's policy and rhetoric.

Saddam, forced by the defection of his son-in-law, acknowledged in the mid-1990s his possession of chemical and biological WMDs. President Clinton, British, French and German intelligence agencies and even Hans Blix (who tells the British newspaper *The Guardian*, "We know for sure that they did exist") have expressed certainty about Iraq having WMDs at some point.

A vast multinational conspiracy of bad faith, using fictitious WMDs as a pretext for war, is a wildly implausible explanation of the failure to find WMDs. What is plausible? James Woolsey, President Clinton's first CIA director, suggests the following:

As war approached, Saddam, a killer but not a fighter, was a parochial figure who had not left Iraq since 1979. He was surrounded by terrified sycophants and several Russian advisers who assured him that if Russia could not subdue Grozny in Chechnya, casualty-averse Americans would not conquer Baghdad.

Based on his experience in the 1991 Gulf War, Saddam assumed there would be a ground offensive only after prolonged bombing. U.S. forces would conquer the desert, then stop. He could manufacture civilian casualties—perhaps by blowing up some of his own hospitals—to inflame world opinion, and count on his European friends to force a halt in the war, based on his promise to open Iraq to inspections, having destroyed his WMDs on the eve of war.

Or shortly after the war began. Saddam, suggests Woolsey, was stunned when Gen. Tommy Franks began the air and ground offenses simultaneously and then "pulled a Patton," saying, in effect, never mind my flanks, I'll move so fast they can't find my flanks. Saddam, Woolsey suggests, may have moved fast to destroy the material that was the justification for a war he intended to survive, and may have survived.

Such destruction need not have been a huge task. In Britain, where political discourse is far fiercer than in America, Tony Blair is being roasted about the missing WMDs by, among many others, Robin Cook, formerly his foreign secretary. Cook says: "Such weapons require substantial industrial plant and a large work force. It is inconceivable that both could have been kept concealed for the two months we have been in occupation of Iraq."

Rubbish, says Woolsey: Chemical or biological weapons could have been manufactured with minor modifications of a fertilizer plant, or in a plant as small as a microbrewery attached to a restaurant. The 8,500 liters of anthrax that Saddam once admitted to having would weigh about 8.5 tons and would fill about half of a tractor-trailer truck. The 25,000 liters that Colin Powell cited in his U.N. speech could be concealed in two trucks—or in much less space if the anthrax were powdered.

For the President, the missing WMDs are not a political problem. Frank Luntz, a Republican pollster, says Americans are happily focused on Iraqis liberated rather than WMDs not found, so we "feel good about ourselves."

But unless America's foreign policy is New Age therapy to make the public feel mellow, feeling good about the consequences of an action does not obviate the need to assess the original rationale for the action. Until WMDs are found, or their absence accounted for, there is urgent explaining to be done.

Mr. HARKIN. Well, again, there is one statement after another. Here is a speech that the Vice President gave on August 26, 2002, to the VFW national convention.

"Simply stated," said the Vice President, "there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them. I think that is important. He is amassing them to use against our friends, against our allies, and against us."

Well, if he was amassing them, where are they? What information did Vice President CHENEY rely upon last August 26 when he uttered those words? Words have import. Words have consequences, especially when those words are uttered by the President of the United States or the Vice President—even more so than words uttered by us on the Senate floor.

I believe the consequences of those words led us into a war in Iraq that, quite possibly, either could not have happened because we could have had inspectors and we could have weakened Saddam more and more over the months and years; or it could have been a war in which we were there with the world community. But, no, the President wanted to rush into this. The words he used and the words that were used by the Vice President were used to frighten the American people, to stampede the Congress into passing a resolution.

Mr. President, I think, as we look at our duties here—and, of course, we have to support our troops and we have to pass this bill—the hard questions need to be answered. What did the President know? When did he know it? What did the Vice President know and when did he know it? Why did they use the words they used when, in fact, the intelligence showed just otherwise? And why underneath it all do we continue a policy of getting further and further in debt in this country—to the point that it jeopardizes our children's future? These are the hard questions this President has to answer.

With that, I yield the floor and I suggest the absence of a quorum.

THE PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have a parliamentary inquiry. What is the pending business?

The PRESIDENT pro tempore. The Defense appropriations bill.

AMENDMENT NO. 1276

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 1276.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy American requirements)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into

between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

Mr. DODD. Mr. President, let me, first of all, thank the distinguished chairman of the committee, the President pro tempore, and the ranking member, Senator INOUE, for their cooperation on this amendment. As I understand it, this amendment has been accepted by both sides.

I will briefly describe the amendment. My intention is not to ask for a recorded vote so we will move the process along. I will enter into a brief colloquy perhaps with the ranking member about the prospects of this being held on in conference.

Briefly, as all of my colleagues, I am deeply troubled by the state of our economy. I spent last week—part of it—in my State, as I am sure many colleagues did over the July 4th break, talking to manufacturers, labor unions, and others.

As most of my colleagues know, my State is heavily dependent on defense contract work—if not the most dependent on a per capita basis, certainly one of the top States on a per capita basis. We have been very proud of this tradition over the years. It dates back to the Revolutionary War when Connecticut was known as the Provision State. In addition to its nomenclature of being the Constitution State, it is the Provision State as well.

As a result of the cooperation of the Defense Appropriations Subcommittee over the years, Connecticut's contribution has continued to grow in a variety of areas. Like everything else, there are areas for improvement in how we can help sustain this quality of work that is being done by some of the finest technicians, some of the finest workers the world has ever seen, producing the most sophisticated equipment and hardware that has ever been produced by any nation.

Yet we are also seeing, as a result of the realities of the world, more and more people are losing their jobs in the technology area. The industrial base is

eroding. In fact, we are told in one article, which I placed on this chart, that roughly 27,000 technology jobs moved overseas in the year 2000, and this research organization predicts the number will mushroom to 472,000 by the year 2015 if companies continue to farm out as much of our technology work at today's frenzied pace.

The jobless issue is important. More than 9 million Americans are out of work, and nearly 400,000 jobs have been lost just since January of this year. Job losses continue to mount in the manufacturing sector, even in the defense industry, I might add.

Manufacturing is the engine that drives our economy, sustaining the industrial base. I note to all of my colleagues that this is critically important. This is what made America a leader over the years. It is what made us the great industrial and military power we are today.

Manufacturers produce \$1 out of every \$6 of our economy's gross domestic product. During the last decade, U.S. manufacturing has been responsible for 21 percent of the total economic growth and one-third of productivity growth in the United States.

In my State, Connecticut, manufacturers are also a critical part of our local economy. More than 5,600 individual manufacturing companies in the State of Connecticut employ more than 240,000 people who are paid over \$10 billion a year in salaries and income. These manufacturers create more than \$27 billion in added value and generate \$45 billion in annual sales.

Yet despite the importance of this manufacturing sector, manufacturers across the country are struggling today to survive. In an economy where 9.4 million Americans are out of work, it is particularly upsetting to learn that the U.S. defense contractors are continuing at a rapid pace to outsource a considerable number of manufacturing positions overseas.

This is being done under the so-called offset contracts. Under these arrangements, foreign governments buy major weapons programs from American companies only if the manufacturer contracts out a significant portion of that work in that country.

For example, when Poland agreed to buy several Lockheed Martin F-16 aircraft, United States contractors agreed to outsource over 40 components of this work to Polish companies, amounting to hundreds of United States job losses to foreign workers.

No one disputes there is an important role for these offset agreements, and this amendment does not eliminate them at all. Quite the contrary. The jobs that may be lost may be offset by other gains from better commercial and defense relations in foreign countries.

The issue is whether or not the trend that these arrangements are following is headed in the wrong direction. U.S. companies are outsourcing more and more, and I am worried this could result in a loss of sensitive technology

overseas, a loss of segments of the national industrial base, and a loss of jobs during this economic downturn.

As I mentioned, there were 40 different contracts in 1 particular job and 1 particular country. When American companies enter into future contracts with the U.S. Government, it means that our taxpayer dollars will now go to work in another country rather than to support our own economic needs.

With certain components being built in other countries, offset arrangements may actually undermine existing "buy American" laws that require specific military machinery—everything from naval circuit breakers to machine tools and ball bearings—to be manufactured by workers in the United States.

For these reasons, I am offering this amendment this morning that will add a measure of accountability to these offset contracts. The amendment requires the Secretary of Defense to review these arrangements and report to the Congress on, among other things, the effect on the industry's industrial base and what actions have been taken to minimize damage to American defense industries, what financial impact these arrangements might have on U.S. manufacturing, the implications of technology transfer arising from these arrangements, and, lastly, how consistent some of the business arrangements, resulting from these offset arrangements, are with existing "buy American" laws that pertain specifically to defense policy.

Armed with this information, we will be better able to ensure that when American companies enter into foreign contracts, the U.S. industrial base will be preserved and the general interests of the American people will be protected.

This amendment also allows the Secretary discretion to modify existing memoranda of understanding with other countries affecting offset agreements if he or she finds it necessary upon reviewing this information. He may also submit to the President any recommendations he thinks might be necessary to strengthen "buy American" laws.

This added protection is particularly important to all of us at a time when people all over the Nation are experiencing the highest unemployment rate in 9 years, most recently measuring 6.4 percent.

I appreciate the consideration of this amendment by the chairman and the ranking member of the committee. This is not a radical approach. As I said, it does not in any way eliminate these offset arrangements but merely requires a greater accountability so we can watch carefully what is happening, so we do not end up with more jobs being lost, particularly in these critical technologies that are so vital not only to our economic success and well-being but also to preserving the industrial base for our national security needs in the 21st century.

I ask that the amendment be agreed to. If I may say to my colleague from

Hawaii, I am not going to ask for a recorded vote. I appreciate their review of the amendment and their acceptance of it. I hope steps will be taken to try to preserve this amendment in conference if that is possible.

Mr. INOUE. Mr. President, I can assure my distinguished colleague from Connecticut that we will do our utmost in convincing the House conferees to accept this.

Mr. DODD. Mr. President, I thank the Senator from Hawaii very much for his continued support.

I have no further need for additional time. I ask unanimous consent that the amendment be agreed to.

The PRESIDENT pro tempore. Is there further debate? If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1276) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair. (The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1428 are printed in today's RECORD under "Statements on Introduced Bills and Joint resolutions.")

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. May I inquire of the Chair the pending business before the Senate.

The PRESIDING OFFICER. The pending business is the Defense appropriations bill.

#### AMENDMENT NO. 1277

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1277.

Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", \$50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in

the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. DURBIN. Madam President, yesterday as a member of the Senate Intelligence Committee, I sat through a 5-hour hearing with the Director of the Central Intelligence Agency, Mr. George Tenet. It was one of the longest hearings I have ever been a party to in that committee. Virtually every member of the committee was present for the entire hearing. I think we can accurately draw the conclusion from that that it was a hearing of great importance because it addressed an issue which is central to our foreign policy and our national security, and that is the intelligence agencies of our Government.

We are asking now some very difficult but important questions along two lines. First, was the intelligence gathered before the United States invasion of Iraq accurate and complete? Secondly, was that information relayed and communicated to the American people in an honest and accurate fashion? Those are two separate questions that are related.

Yesterday, Director Tenet reiterated publicly what he has said before on July 11, that he accepted responsibility for the fact that in the President's State of the Union Address last January a sentence was included which was at best misleading. The sentence, of

course, related to whether or not Iraq had attempted to obtain uranium from the African nation of Niger. What I am about to say is not from the hearing yesterday but rather from public disclosures and press reports relative to that issue.

What we know is this: The allegations and rumors about Iraq obtaining uranium and other fissile materials from the country of Niger had been discussed at some length for a long period of time. In fact, documents had been produced at one point that some believed implicated the Iraqis and the Niger nation in this particular transaction. It is also true, though, that the people who are expert in this area had looked carefully and closely at that documentation and many had come to the opposite conclusion. Some had concluded this information, whether it was from British intelligence sources or American intelligence sources, was dubious, was not credible. Then it was disclosed that the documentation was actually a forgery.

Many of those documents have been made public. Yesterday a leading newspaper in Italy published the documentation and it was reported on the news channels last night in the United States that when those documents were carefully reviewed, it was found that, in fact, they contained things which on their face were ridiculous, names of ministers in Iraq and Niger who had not been in that position for years, supposedly official seals on documentation which, when examined closely, turned out to be patently false and phony.

So it was with that backdrop that the President, in his State of the Union Address, considered a statement concerning whether or not Niger had sold these fissile materials to Iraq.

It has been disclosed publicly and can be discussed openly on the Senate floor that there was communication between the Central Intelligence Agency and the White House on this issue. It is apparent now to those who have followed this story that there was a discussion and an agreement as to what would be included in the speech. The 16 famous words relative to this transaction have now become central in our discussion about the gathering and use of intelligence.

What I heard yesterday during the course of 5 hours with Director Tenet is that we have been asking the wrong question. The question we have been asking for some period of time now since this came to light was, Why didn't Director Tenet at the CIA stop those who were trying to put misleading information in the President's State of the Union Address? That is an important question. Director Tenet has accepted responsibility for not stopping the insertion of those words. But after yesterday's hearing and some reflection, a more important question is before the Senate. That question is this: Who are the people in the White House who are so determined to in-

clude this misleading information in the State of the Union Address and why are they still there?

That goes to the heart of the question, not just on the gathering of intelligence but the use of the intelligence by the Executive Office of the President. That is an important question. It is a question we should face head on.

An attempt was made last night by my colleague from New Jersey, Senator CORZINE, to call for a bipartisan commission, a balanced commission, to look into this question about intelligence gathering and the use of the intelligence leading up to the war on Iraq. His amendment was defeated by a vote of 51 to 45 on a party-line vote—all Republicans voting against it; all Democrats supporting it. Senator CORZINE's effort for a bipartisan, balanced, evenhanded commission was rejected by this Senate.

The amendment which I bring today offers to the Senate an alternative. If the Senate does not believe there should be a bipartisan commission to investigate this question, this use of intelligence, then what I have said in this amendment is that we are calling on the President to report to Congress, the appropriate committees in the classified and unclassified fashion, whether or not there was a misuse of intelligence leading up to the war on Iraq. Those are the only two options before the Senate.

In this situation, we have the Intelligence Committee in the House and the Senate looking at the classified aspect of this issue. We have said in the Senate that we do not accept the idea—at least, the Republican side does not accept the idea—of a bipartisan commission looking at this issue. So, clearly, the responsibility falls on the shoulders of the President.

This amendment says that the President will report to the appropriate committees of Congress on this use of the intelligence information.

Why is this an important discussion? It is particularly important from several angles. First, if we are engaged successfully in a war on terrorism, one of the greatest weapons in our arsenal will be intelligence. We will have to depend on our intelligence agencies to anticipate problems and threats to the United States. We will have to gather credible information, process that information, determine its credibility, determine its authenticity, and use it in defense of the United States. Now, more than ever, intelligence gathering is absolutely essential for America's national security.

Second, the President has said we are now following a policy of preemption; we will no longer wait until a country poses an imminent threat to the United States or our security. If the President and his administration believe a country may pose such a threat in the future, the President has said we are going to protect our right to attack that country to forestall any invasion or attack on the United States.

How do you reach the conclusion that another country is preparing to attack? Clearly, again, by intelligence gathering. Now, more than ever, in the war on terrorism and the use of a policy of preemption, we depend on intelligence. Those are the two central points.

Equally, if not more important, is what happened in the lead-up to the invasion of Iraq. For months, the President, the Vice President, and his Cabinet all sought to convince the American people this invasion of Iraq was not only inevitable but was, frankly, in the best interests of America's national security. The administration, the President, gathering the intelligence data, presented it to the American people in a variety of different fashions. We can all recall how this started. It was almost a year ago that in Crawford, TX, we first heard the President while he was in summer retreat suggest that something had to be done about Iraq and used the words "regime change."

Then, over the months that followed, a variety of different rationales came forward for the need to invade Iraq and remove Saddam Hussein. First and foremost—and nobody argued this point on either side of the aisle—Saddam Hussein was a very bad leader, not just for the people of Iraq but for the region and a threat to the world. His removal from power from the beginning was certainly something that everyone understood would be in the best interest of the people of Iraq.

But the obvious question was, if you are going to set out just to remove bad leaders of the world, where would you draw the line and what would those leaders do in response? So the administration said there are more arguments, even more compelling rationales.

First and foremost, in Iraq they were developing nuclear weapons. We recall that conversation. As evidence of that, administration officials talked about the fact that Iraq had obtained certain aluminum tubes that could likely be used for the development of new nuclear weapons.

Now, in fact, we know on reflection that there was even a debate within the administration whether these aluminum tubes could be used for nuclear weapons. Despite that, the administration said categorically, we believe they will be used for nuclear weapons and we believe that is a rationale for the invasion.

Second, on other weapons of mass destruction, chemical and biological weapons, the administration went so far in its presentation to suggest that there were 550 sites where there was at least some possibility of weapons of mass destruction. They went into detail about how these weapons could threaten Israel, could threaten other countries in the region, might even threaten the United States. That information was given repeatedly.

The fact is, we are 10 weeks after the successful completion of our military



invasion of Iraq. More than 1,000 inspections have been made in Iraq. No weapons of mass destruction have been found. There has been some small evidence related to the discovery of something buried in a rose garden that could have been a plan for the use of a nuclear device. There has been the discovery of these mobile units in trailers which might have been used for the development of biological weapons. Those things have been discovered but of the so-called 550 sites, the fact is we have not discovered or uncovered one as I stand here today.

I am confident before this is over that we will find some evidence of weapons of mass destruction in Iraq. It could happen as soon as tomorrow. I think that will happen. I believe that will happen. But we were told we were dealing with 550 sites. Statements were made by the President, the Vice President, Ms. Condoleezza Rice and others, that Saddam Hussein had arsenals of chemical and biological weapons. They have not been apparent.

To think in that lightning-fast conquest of Baghdad, somehow Saddam Hussein had the time to literally wipe away or destroy any evidence of weapons of mass destruction strains credulity.

What we have now is a serious question as to whether the intelligence was valid and accurate or whether it was portrayed to the American people in a valid and accurate way.

We also had allegations that Saddam Hussein was linked with al-Qaida. Of course, this is something of great concern to the American people. We know that the al-Qaida terrorists are responsible for September 11, the loss of at least 3,000 innocent American lives on that tragic day. We would and should do what we can in any way, shape, or form to eliminate al-Qaida's threat to terrorism. I joined the overwhelming majority of the Senate, giving the President the authority and power to move forward on this question as to whether or not we should eliminate al-Qaida and its terrorist threat. The fact is, now, as we reflect on that information provided by the administration prior to the invasion of Iraq, there is scant information and scant evidence to link Saddam Hussein and al-Qaida.

The list goes on. It has raised serious questions about the intelligence gathering leading up to the invasion of Iraq and the portrayal of that information to the American people. There is nothing more sacred or important in this country than that we have trust in our leaders when it comes to the critical questions of national security. When a President of the United States, with all of his power and all of his authority, stands before the American people and says: I am asking you to provide me your sons, your daughters, your husbands, your wives, your loved ones, to stand in defense of America—that, I think, is the most solemn moment of a Presidency. That is what is being questioned now. Was the information, for

example, in the State of the Union Address, accurate in terms of America's intelligence? Two weeks ago the President conceded at least that sentence was not.

What I have asked for in this amendment is that the Bush White House come forward with information on the gathering and use of this intelligence. With this information, they will be able to tell us with more detail exactly how the intelligence was used, intelligence related to the possession by Iraq of chemical and biological and nuclear weapons and locations, the links of the former Iraqi regime to al-Qaida, the attempts of Iraq to acquire uranium from Africa, the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons, the possession by Iraq of mobile laboratories for the production of weapons of mass destruction, and the possession by Iraq of delivery systems for weapons of mass destruction, and any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

I go into particular detail in paragraph B of this amendment where it relates to the acquisition of uranium from Africa because I think this has become abundantly clear. Some person or persons in the White House were bound and determined to include language in the President's State of the Union Address which was misleading, language which the President has disavowed, language which in fact Director Tenet said should never have been included.

When you look at the uranium claims that were made in the President's State of the Union Address, and then read the statements made afterwards by members of the Bush White House, we can see on their face that we need to know more. Bush Communications Director Dan Bartlett, discussing the State of the Union Address, said last week that:

There was no debate or questions with regard to that line when it was signed off on.

I will tell you point blank that is not factual, based on statements made by Director Tenet.

On Friday, July 11 of this year, National Security Adviser Condoleezza Rice said there was "discussion on that specific sentence so that it reflected better what the CIA thought."

Miss Rice said, "Some specifics about amount and place were taken out."

Director Tenet said Friday that CIA officials objected and "the language was changed."

White House Press Secretary Ari Fleischer said Monday, July 14, that Miss Rice was not referring to the State of the Union speech, but she was, instead, referring to President Bush's October speech given in Cincinnati—even though Miss Rice was not asked about that speech.

We have a situation here where the President and his advisers and speech writers were forewarned in October not to include in a speech in Cincinnati

any reference to the acquisition of uranium by Iraq from the nation of Niger or from Africa. That admonition was given to a member of the White House staff and that element was deleted from the President's speech.

Now we have statements from the President's National Security Adviser suggesting that there was still some discussion that needed to take place when it came to the State of the Union Address. I will tell you that is not a fact. This amendment which I am offering is asking that we have final clarity on exactly what happened in the White House on this critical piece of information that was part of the President's most important speech of the year, his State of the Union Address.

White House Press Secretary Ari Fleischer also said on Monday, July 14, that while the line cut from the October speech in Cincinnati was based on Niger allegations, the State of the Union claim was based on "additional reporting from the CIA, separate and apart from Niger, naming other countries where they believed it was possible that Saddam was seeking uranium."

But Fleischer's words yesterday contradicted his assertion a week earlier that the State of the Union charge was "based and predicated on the yellowcake from Niger."

Consider the confusion and distortions which we have already received from this administration about that line in the speech, and what it was referring to. That is a clear indication that more information is needed, more clarity is needed. We need from the President leadership in clearing this up and, frankly, clearing out those individuals who attempted to mislead him in his State of the Union Address.

Miss Rice was asked a month ago about the President's State of the Union uranium claim on ABC's "This Week," and here is what she replied:

The intelligence community did not know at the time or at levels that got to us that there was serious questions about this report.

But senior administration officials acknowledged over the weekend that Director Tenet argued personally to White House officials, including Deputy National Security Adviser, Stephen Hadley, who is in the office of Condoleezza Rice, that the allegations should not be used in the October Cincinnati speech, 4 months before the State of the Union Address.

CIA officials raised doubts about the Niger claims, as Director Tenet outlined on July 11, last Friday. The last time was when "CIA officials reviewing the draft remarks" of the State of the Union "raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues."

Here is what it comes down to. We now have a battle ongoing within the administration over the issue of gathering and use of intelligence. The American people deserve more. They



deserve clarity. They deserve the President's disclosure. They deserve the dismissal of those responsible for putting this misleading language in the President's State of the Union Address. I think what is at stake is more than a little political embarrassment which this administration has faced over the last several days. What is at stake is the gathering and use of intelligence for the security of the United States of America.

This issue demonstrates the administration's intelligence-derived assertions about Iraq's levels of weapons of mass destruction-related activities raised increased concern about the integrity and use of intelligence and literally the credibility of our Government.

We now know that when Secretary Colin Powell, the Secretary of State, was to make his address to the United Nations several days after the President's State of the Union Address, he sat down and, it has been reported in U.S. News and World Report, for a lengthy gathering with Director Tenet at CIA headquarters and went through point by point to make certain that he would not say anything in New York at the United Nations which could be easily rebutted by the Iraqis. Secretary Powell wanted to be careful that every word that he used in New York was defensible. And one of the first things he tossed out was that element of the President's State of the Union Address which related to acquiring uranium from Africa.

Secretary Powell took the time and, with the right advisers, reached the right conclusion that certain things being said about Iraq that were being hyped and spun and exaggerated could not be defended. And he was not about to go before the United Nations Security Council and to use that information. He was careful in what he did because he knew what was at stake was not only his personal credibility but the credibility of the United States. That is why this incident involving the State of the Union Address is so important for us to look into.

On the question of weapons of mass destruction, on August 26 of last year, Vice President CHENEY said:

Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

On September 26, 2002, the President said:

The Iraqi regime possesses biological and chemical weapons.

On March 17, 2003, President Bush told the Nation:

Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.

On March 30, 2003, Secretary of Defense Donald Rumsfeld, said:

We know where they are. They're in the area around Tikrit and Baghdad and east, west, south, and north somewhat.

Not only did the administration tell us that there were over 500 suspected sites Secretary Donald Rumsfeld was even specific as to their location.

Here we are 10 weeks later and 1,000 inspections later with no evidence of those weapons of mass destruction.

On the al-Qaida connection, last year Secretary of Defense Donald Rumsfeld described evidence about a connection between Iraq and al-Qaida as "bullet-proof." But he did not disclose that the intelligence community was, in fact, uncertain about the nature and extent of these ties.

In his speech before the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell said, in addition to the al-Qaida-affiliated camp run by Abu Musab al-Zarqawi in areas not controlled by the Iraqi regime, two dozen extremists from al-Qaida-affiliated organizations were operating freely in Baghdad.

The claim of a close connection between the Iraqi regime and al-Qaida was key to the fears that Iraq could team up with terrorists to perpetrate another devastating attack on the United States. It is critical that the truth of these assertions be examined in light of what the United States has found during and after the war.

On the issue of reconstituting its nuclear weapons program in addition to the dispute about whether Iraq was trying to acquire uranium from Africa, the intelligence community was divided about these aluminum tubes that Iraq purchased and whether they were, in fact, intended to develop nuclear devices or only conventional munitions. Administration officials made numerous statements, nevertheless, expressing certainty that these tubes were for a nuclear weapons program.

In a speech before the United Nations General Assembly on December 12, 2003, the President said,

Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.

On September 8, 2000, National Security Adviser Condoleezza Rice said on CNN's "Late Edition" that the tubes "are only really suited for nuclear weapons programs, centrifuge programs."

On August 26, Vice President DICK CHENEY told the Veterans of Foreign Wars that "many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon we cannot gauge."

On March 16, the Vice President said:

We believe he has, in fact, reconstituted nuclear weapons.

Consider these assertions and these statements leading up to our decision to invade. The hard question which has to be asked is whether the intelligence supported the statements. If the intelligence did not, then in fact we have exaggerated misleading statements which have to be made part of our record.

On the question of mobile biological warfare laboratories, Secretary of

State Powell said in his speech to the United Nations Security Council that "we know that Iraq has at least seven of these mobile, biological agent factories."

On May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled "Iraqi Mobile Biological Warfare Agent Production Plants." This report concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and members of the intelligence community disagreed with that conclusion, or believe there is not enough evidence to back it up. None of these alternative views were posted on the CIA's Web page.

Did this Nation go to war based on flawed, incomplete, exaggerated, or misused intelligence?

I am a member of the Senate Select Committee on Intelligence, which is conducting this review. I support that review because there is a lot we need to get into. We have oversight responsibilities over the intelligence agencies.

I commend our Chairman, Senator ROBERTS, and our ranking member, Senator ROCKEFELLER, on that committee. They have requested that the Inspectors General of the Department of State and the Central Intelligence Committee work jointly to investigate the handling and characterization of the underlying documentation behind the President's statement in the State of the Union Address. I certainly support that investigation.

But the question of how intelligence related to Iraq was used by policymakers is a different question that simply must be determined.

What we are saying now is if the Senate, as it did last night, rejects the idea of a bipartisan commission to look into the question, at the very least we should say in this Department of Defense appropriations bill that the President has a responsibility to report to Congress on this use of intelligence and information. It really goes to the heart of the President's responsibility as the head of our country and as Commander in Chief. He needs to have people near and around him giving him the very best advice based on the best intelligence. It is not only good for his administration, but it is essential for the protection of this Nation.

I yield the floor.

Mr. STEVENS. Madam President, before the Senator leaves, I wish to say categorically that had I been the Vice President of the United States, based upon the intelligence briefings that I have participated in now for over 20 years, I would have made exactly the same statements the Vice President made.

I believe sincerely that the record of history shows clearly that Iraq has tried to acquire and did acquire nuclear capability in the past. The Israelis destroyed it once. We know he was trying again to reestablish them.

There is no question that he had weapons of mass destruction. He used

them on the Iranians. He used them on the Kurds. Gas is a weapon of mass destruction.

There is also no question at all that he had the vehicles to transport weapons of mass destruction. Why did he build the vehicles if he didn't have them?

This nit-picking at the language that was used—it was used, we now know, in error in terms of veracity as far as the reliance upon the concept of what the British had because it was later disclosed that one of the things they had was a forged document. Why did the United Nations, 17 times, ask to examine that country to find the weapons of mass destruction if the world did not believe he was after weapons of mass destruction, after he used them on the Iranians more than 15 years ago? They bombed the plant that absolutely had the reactor in it. And we knew he had weapons then.

I have to say that when we look at what has happened, when our troops went into those barracks after the war commenced, they found that the Iraqis had special masks to protect them against weapons of mass destruction. We don't have those kinds of weapons.

The Senator is a member of the Intelligence Committee. I am reliably informed that at a classified session yesterday he asked CIA Director George Tenet the very questions which he has asked on the floor, and he received the answers. Some of the Members don't like the answers, but they received them. Had Director Tenet took responsibility for a mistake in his agency—clearly he had problems about the way that document was handled and in terms of the speech.

This is the third time this has come up now on this bill. This amendment would fence the Community Management Agency of the CIA, one of the most important and vital works of the agency. It would take \$50 million from them.

I am not going to do it now, but sometime in the future I am going to ask the Senator whether he believes that he never had weapons of mass destruction. Does he believe Iraq never had weapons of mass destruction? Does he believe there was no reason to go in there and do what we did?

The problem is this amendment standing alone would deny the following programs funding:

Assistant Director of the CIA to allocate their collection efforts against terrorists and other high-priority target activities. This is their central community program.

Talking about the intelligence community, one of them is the National Drug Intelligence Center's Analysis of Information for Narcotraffickers—a vital concept that deals with counterterrorism activities.

The second is the National Counterintelligence Oversight Analysis Assessment of Vulnerabilities to Foreign Intelligence Services.

The next is efforts to improve the intelligence community's expertise in foreign languages.

This was identified as the key unmet need by the joint inquiry that investigated the 9/11 activities.

Each of those programs is essential to our national security.

In order to make his point on this concept, the Senator again seeks to fence off \$50 million for those vital activities. I hope the Senate listens to us about what he is willing to do in order to make this statement again.

I shall move to table this amendment. But, again, I have been asked this question many times personally at home by the press and by family friends. Some of us are exposed to intelligence at a very high level of Government. We can't come out and talk about it.

I noticed in the paper yesterday that some of our people because of this issue are starting to "lip off" about intelligence matters that should be classified. The Senate and the Congress should come back to order on that. We are allowed access to classified information—and to have us, because of some question about one phrase in the President's speech, suddenly decide that classification means nothing, is wrong, and it is not in the best interest of the United States.

Now, Senator INOUE and I have been involved in extremely classified information for years. As a matter of fact, at our request, there was what we call a "tank" built in our building so we could have those people come visit us and we would not have to go out and visit the CIA or the other intelligence agencies. And we do listen to them.

Based on everything I have heard—everything I have heard; and the two of us have shared the chairmanship of the Defense Appropriations Subcommittee, which is defense intelligence related, since 1981—everything I have heard convinces me, without question, that Iraq tried to develop a program of weapons of mass destruction, and did, in fact, have weapons of mass destruction. And we were justified—just as the Israelis were over 15 years ago when they went in and bombed one plant—we were justified to go in and just absolutely disestablish that administration because it had rebuked the U.N. 17 times in terms of the attempt to locate those weapons of mass destruction and to do what Saddam Hussein agreed he would do after the Persian Gulf war. He agreed to destroy them. He admitted he had them. He agreed to destroy them. And we tried to prove he destroyed them. Now, what is all this question about whether he had them? Because he admitted he had them.

It is time we settle down and get back to the business of providing the money for the men and women in uniform around the world, and to ensure that the people who conduct our intelligence activities have the money to do what they have to do.

The extended debate on this floor about intelligence activities because of that one 17- or 16-word—I don't remember—the small phrase in the Presi-

dent's State of the Union message is starting to really have an impact on the intelligence-collecting activities of this country. We do not want to besmirch that. We have the finest intelligence service in the world. If someone made a mistake—and now it has been admitted there was a mistake; not in whether or not he was trying to put together his nuclear weapons program—the mistake was in reference to what the British did have; and it was later found that the foundation for what the British thought they had was a forged document.

Intelligence is absolutely essential to a nation that bases its capability to maintain peace on force projection, and we have to rely on many people to provide us information. Human beings make mistakes. God forbid that anyone would ever say because of one mistake we should harness the core efforts of our intelligence efforts and deny them the money this bill has for them to proceed until this commission, which the Senator wants to create, reports. I cannot believe we would delay the release of these funds for those reasons.

The ongoing efforts of the Intelligence Committee are known. The Senator is a member of the Intelligence Committee. We who are members of the Subcommittee on Defense Appropriations have access to everything they have access to, because we manage the money that finances the agencies they investigate. So there is a whole series of us here who have access to extremely classified information.

We classify it primarily because there are so many people involved that many lives might be in jeopardy if we disclose the sources of that information or we disclose the impact of that information in terms of the relationship to some of the programs we are funding today.

I urge the Senate to settle down. I urge the Senate to settle down. We do not need this continued debate about the words in that State of the Union message. That is history, and it is going to be examined in terms of politics in the future.

Now we had arranged the schedule this morning so we could conduct our business and still start the markup of four separate appropriations bills. I must be absent now as chairman of the committee for a period of time.

I move to table the Senator's amendment, and I ask unanimous consent that the vote on that occur at a time to be determined by the majority leader after consultation with the minority leader. At the time of the stacking of votes on this and other amendments, I shall seek approval for a recorded vote on this amendment.

THE PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Madam President, reserving the right to object, I ask what the Senator's intention is regarding the schedule right now after the Senator concludes his remarks?

Mr. STEVENS. Madam President, I have a motion to table. Has the motion to table been accepted by the Chair?

The PRESIDING OFFICER. The Senator has a unanimous consent request.

Mr. STEVENS. Madam President, I ask unanimous consent that the time for that vote be determined by the majority leader after consultation with the minority leader.

Mr. REID. Madam President, I reserve the right to object. The Senator from Illinois is also a member of the Appropriations Committee, but he wants to have an opportunity to respond.

Mr. DURBIN. I do.

Mr. REID. He can do it any way he chooses. We are not going to have a vote right away, so he can attempt to have the floor. I wonder if the Senator from Alaska would—we have no right to object in any way to the motion to table, but the Senator from Illinois has more to say.

Mr. STEVENS. I have no objection if the Senator wishes to respond. I wish to get my motion to table on the record, and I am happy for the Senator to speak after that motion in relationship to the amendment. I have no problem with that. I just want to get my part of this business done so I can go chair that committee markup.

The PRESIDING OFFICER. The motion to table is pending.

Mr. STEVENS. Is there an objection to my request that the motion to table vote be postponed until a time certain to be determined by the majority leader after consultation with the minority leader?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am prepared to yield the floor, and you can talk as much as you want.

Mr. REID. Has the unanimous consent request been agreed to?

The PRESIDING OFFICER. No, it has not.

Without objection, it is so ordered. The request is agreed to.

Mr. REID. Madam President, before the distinguished chairman of the Appropriations Committee leaves the floor, the Senator from Minnesota asked a question: What are we going to do now? We have a number of amendments lined up. We are not going to do those because the two managers of this bill are members, of course, of the Appropriations Committee, as are Senator DURBIN and myself.

Mr. STEVENS. Will the Senator yield?

I would be prepared to make a request that after Senator DURBIN makes his remarks there be a period for morning business during which the Senator from North Dakota may be able to speak for up to 30 minutes on a matter not related to this bill.

Mr. REID. Reserving the right to object, the Senator from Wyoming wishes to speak for 10 minutes, I am told, on the bill itself.

Is that right?

Mr. THOMAS. Yes. I was going to follow up on what has been said.

Mr. REID. The Senator from North Dakota has no objection to him going first, he being the Senator from Wyoming.

Mr. STEVENS. That is fine.

Madam President, I ask unanimous consent that the Senator from Wyoming have 10 minutes to speak on the bill, and following that time, the Senator from North Dakota have 30 minutes as in morning business, and following that the Senator from—

Mr. DAYTON. Minnesota.

Mr. STEVENS. Minnesota.

Mr. DAYTON. I would like to speak on Senator DURBIN's amendment. I would agree to 5 minutes.

Mr. STEVENS. Could it be that we agree to 30 minutes of debate pertaining to matters relating to this amendment, notwithstanding the motion to table has been made? Is that agreeable? That will give us enough time to get back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Also, Mr. President, if I could, Senator KENNEDY is going to be here at around 11 o'clock. Of course, that has slipped.

Mr. STEVENS. It is roughly 11 o'clock.

Mr. REID. He will offer the next amendment. Perhaps then Senator BYRD will. Really, we are narrowing the number of amendments that are going to be offered.

Mr. STEVENS. Mr. President, I don't know what the Senate would do without the assistance of the distinguished Democratic whip. We have in history Light Horse Harry, and this is our "Heavy Horse" Harry. He does the heavy work around here, and we all appreciate him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, pursuant to the unanimous consent agreement, I can assure my colleagues I will not take 30 minutes. I will be extremely brief because I already stated my case in support of this amendment. But I would like to respond to the Senator from Alaska.

He and I have had some titanic struggles on this floor over a variety of issues, but I have the highest regard and respect for him personally. I am certain he did not mean to suggest nor did he say I have disclosed any classified information in my statement this morning. I would not do that, not knowingly. What I have disclosed to the Senate, in preparation for a vote on this amendment, has all been a matter of public record and published information.

There are many other things I have learned as a member of the Senate Intelligence Committee to which I can't make reference, because it is classified and very important, that remain classified. But I don't know which bill you would go to if you didn't go to the Defense Department bill to deal with

questions of intelligence. It is one of the few, if only, bills coming before the Senate relating to intelligence gathering. We don't have a full blown discussion here about appropriations for the Central Intelligence Agency and all the intelligence aspects of the Federal Government. It is a carefully guarded secret of our Government as to how much is being spent and how it is spent. Many people have objected to that over the years. I understand their objections. I also understand the wisdom that we try to keep in confidence exactly what we are doing to gather information to protect America. About the only place where we openly discuss the funding of intelligence is in this bill. If you don't come to this floor on this bill to suggest that we can do a better job in gathering intelligence to protect America, then, frankly, there is no other appropriations bill to which you can turn.

I assume you might argue that the Department of Homeland Security, our new Department, has some aspects of intelligence. Maybe that argument can be made. But the most compelling argument is on this bill, the Department of Defense bill. That is why this amendment is not superfluous or out of line. This is where the amendment needs to be offered because what we are saying is, America is only as safe as the men and women who are protecting it, men and women who are in uniform, literally putting their lives on the line, and men and women working for our Government gathering information so that we can anticipate threats and make certain we protect the people.

What I have said in this amendment is we, clearly, know now that in the President's State of the Union Address statements were made which the President has disavowed as not being accurate and which the Director of the Central Intelligence Agency has said should not have been included because they were misleading. That is a critical element.

We gather across this Rotunda in the House of Representatives once a year, the combined membership of the House and the Senate, the Cabinet, the Supreme Court, the diplomatic corps, to hear the President deliver the State of the Union Address. It is his most important speech of the year. He outlines to the people the accomplishments of our Nation and the challenges we face.

This President came before us last January in an atmosphere leading up to an invasion of Iraq, a war. I don't think there is any more serious undertaking by a government than to say we are going to war. We are asking our citizens to put their lives on the line for the security of America. The President came to the people with that message.

We now know that at least one major part of that message—they say it is only 16 words but it was a major part of his message—was not accurate.

Do I think the President intentionally misled the American people?

There is no evidence of that whatsoever. I have not heard a single person say he intentionally misled the American people in making that statement. But I will tell you this, there were people in that White House who should have known better. They had been warned 4 months before not to use the same reference in a speech the President was giving in Cincinnati. They had been told by the CIA that the information was not credible, could not be believed, should not be stated by the President of the United States, and that section was removed from the President's speech in October.

Those same people in the White House, bound and determined to put that language in the President's State of the Union Address, put in misleading language which attributed this information not to our intelligence, because our intelligence had disavowed it, discredited it, said we can't believe it.

No, they attributed it to British intelligence. Our people believed the British intelligence had been wrong from the start and yet we allowed that to be included in the speech.

Across America and around the world, people heard our President say that Iraq was acquiring uranium—or attempting to—from Niger in Africa to develop nuclear weapons. That is a serious charge. It is as serious as any charge that has been made against Saddam Hussein's regime. Someone in the White House decided they would cut a corner and allow the President to say this by putting in that phrase "based on British intelligence."

I would think the President would be angered over the disservice done to him by members of his staff. I would think the President would acknowledge the fact that even if Director Tenet could not discourage that member of the White House staff and stop them from putting in that language, the President has within his ranks on his staff some person who was willing to spin and hype and exaggerate and cut corners on the most important speech the President delivers in any given year.

That is inexcusable. This amendment says that this President will report to Congress on exactly what happened in reference to that State of the Union Address, that finally we will know the names of the people involved, that they will be held accountable for this misconduct which has caused such embarrassment, not just to the President, not just to his party, but to our Nation.

We need to be credible in the eyes of the world. When statements such as the one made by the President are clearly disavowed by the President, it affects our credibility.

Last night we tried to create an independent bipartisan commission to look into this question in an honest fashion. It was rejected on a party-line vote with every Republican voting against it.

Now I have taken the second option. Now we call on the President himself.

Harry Truman from Independence, MO, used to say "the buck stops here," when it comes to the President. The buck has stopped on the President's desk. The question is, What will he do to establish his credibility, to make certain that the next State of the Union Address is one that is credible in the United States and around the world and to make sure those people who misused the power of their office to lead him to make those misleading statements are removed once and for all?

It is a painful chapter in American history but it is one we cannot avoid. So long as it is unresolved, there will be a shadow over the intelligence gathering and use of this administration. That is not in the best interest of national security. It is not in the best interest of the people.

We in Congress have our responsibility, as a coequal branch of Government, to enforce oversight and to make certain that the American people are well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Following the custom of alternating back and forth, I am prepared to defer to my colleague from Wyoming. I would like to inquire as to his intentions to speak.

Mr. THOMAS. Madam President, my understanding was that I was going to have 10 minutes, then we would go to Senator CONRAD, and then the Senator from Minnesota.

The PRESIDING OFFICER. It is correct that the Senator from Wyoming has 10 minutes, to be followed by the Senator from Minnesota.

Mr. REID. I am sorry.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is the consent agreement, as interpreted by the Chair, that the two morning business matters will be completed prior to debate on the motion to table? That seems a little unusual.

The PRESIDING OFFICER. The Senator from Wyoming is speaking on the amendment for up to 10 minutes.

Mr. REID. I apologize.

Mr. DAYTON. I have asked unanimous consent that following the conclusion of the remarks of the Senator from Wyoming, I might speak on the amendment for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I rise to discuss similarly what our floor leader said a few moments ago in terms of this bill before us. We are here to talk about the Defense appropriations. We have gone on now for a couple of days focusing on this matter of uranium from Africa. It seems to me that we need to focus on the issue that is before us and that is supporting our troops where they are, the Defense appropriations that we have, and probably the most important, certainly the

largest appropriations that is before us.

I have been listening now for some days and listening to the media, the charge that the 16 words President Bush uttered during his January State of the Union have been false. This is what he said:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

That is what was said. So we say this may be false because in fact the British Government continues to stand by the assertion even if the CIA does not. So what Mr. Bush said about what the British believed was true in January, and it is still true today. That is what the British believed.

Now do we need to take a look at our intelligence system? Of course, that is very important to us. But anyone who thinks every piece of intelligence is going to have certified truthfulness behind it, of course, is being naive. Because that is not the way things work.

It is so clear this is so political that it really is kind of hard to accept. In fact, there are ads out now, political ads, assailing the President's credibility, and they go ahead and quote what the President said. But interestingly enough, they leave off the words "the British government has learned."

They leave those off. Doesn't this give you some feeling that we are taking this a little more politically than we are anything else? It seems to me that is the case. We are here now and this whole matter of weapons of mass destruction is an issue we are all concerned about. But this matter of uranium is not the reason we are in Iraq. Saddam Hussein used chemical weapons on his own people, his neighbors. Clearly, the production facilities were making chemical and biological weapons. There is no question about that.

In September 1980, Iraq invaded Iran, and Iraq used chemical weapons. In 1988, chemical weapons were used against Iraqi Kurdish, killing 5,000 Kurds. After Operation Desert Storm, February 18, 1991, in the terms of the cease-fire, Iraq accepted the conditions of the U.N. Security Council resolution. That resolution required Iraq to fully disclose and permit the dismantling of the weapons of mass destruction. That did not happen. That is why we are there.

This idea of leading us off the track because of the uranium is not really the issue. Should we look at our intelligence system? Of course. We do that constantly. But we don't need to take away the dollars that are in this bill for those agencies while we take a look at it. There is nothing more important in the world today than to have intelligence.

I just think we need to cut through some of the things that have been going on here and we need to get down to what issues there are that affect our defense and the American people and deal with those. Politics is fine, but this is not the place to continuously

use items that are obviously just political and try to take away the credibility of the President, which is one of his greatest assets, and I understand that. I understand that we are in an election cycle and so on. I really think it is time to deal with the important issues. We are having hearings. I think we need to move on and deal with the issues before us—to continue to clean up the situation in Iraq, look for peaceful solutions. That is really what it is all about.

I will not take any more time. For a couple of days, I have been listening to this constant recital of the same sort of thing. It seems to me it is pretty clear where we are. We are in Iraq for a number of reasons, this being a very slight impact on the decisionmaking. What we are really intent on doing is getting on with these appropriations bills, supporting our military, providing a strong military so we can continue to do the things we have to do. But this idea of continuing to try to contain an issue and make it something more than it really is seems to me to be worn out.

I hope we can move forward. We have a lot to do. We need to deal with the issues that are before us. I don't think this particular amendment is useful. We already have a system for looking at this. Withholding money pending a third-party operation simply doesn't make sense. I hope we will table this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. I fully concur with my colleague that we need to conclude our work on this bill. This is the third day we have been on this matter. There are several hundred billion dollars involved; it is one of the most costly measures we consider every year. The majority leader said we will complete work on the bill tonight. I expect we will do so with that instruction. I am prepared to stay late, as others of my colleagues are, to talk about these issues. I cannot think of anything that is more profoundly important to this country today and to the future of this Nation and to the world today and to the future of the world than what we are addressing, which is the circumstances that caused the President of the United States to make, as my colleague from Illinois said, an onerous and fateful decision to start a war, doing something that was unprecedented in our Nation's history—to initiate a war against another country, invade another country.

Now, there may be other reasons cited for doing so, but under international law, under the U.N. Charter, of all the reasons cited by the administration for this action, the one that has no credence is the threat of an immediate and urgent attack against the United States by weapons of mass destruction with the missile capability to deliver them. That is what was stated and implied on a frequent basis by

members of the administration last fall.

This is not about one 16-word inclusion in the President's State of the Union speech, as important as that is. This is about questions, as the Senator from Illinois said, that dictated the actions or influenced the actions of Congress last October in voting to give the President the authority to initiate military action, which the President followed through on 6 months later, for which we have 145,000 sweltering Americans in Iraq today. I was there 2 weeks ago in 115-degree temperatures. If anything, they are even hotter than that at this point in time. Some of those incredibly brave young men and women won't come home to their families and friends alive. They will give the ultimate sacrifice on behalf of their country.

So these are profound matters. I commend my colleague from Illinois for his careful choice of words and his reasoned approach to these matters, in recognition of his position on the Senate Intelligence Committee, his restraint in sharing only unclassified information to support his amendment, which I am proud to support myself.

We have tried on this side of the aisle in the last days to strike some bipartisan agreements about how to address matters of disclosure of financial expenditures for this military undertaking. We talked with the distinguished chairman of the Senate Appropriations Committee about where the money is in this bill for the purposes of the ongoing military operations in Iraq and Afghanistan.

The chairman informed us that 2 days ago, in the 2003 supplemental appropriations, those funds were provided that are being drawn down for the purpose of conducting these military operations in those two countries and we should expect another supplemental appropriations request to be forthcoming early in the next calendar year. That same day, however, the comptroller for the Department of Defense was quoted as saying there remains only \$4 billion in that account. Given the statement of the Secretary of Defense to our Senate Armed Services Committee the week before that we are spending, on a monthly basis, \$4.8 billion in Iraq and Afghanistan combined, it is quite obvious that that \$4 billion is going to last them less than another month.

So we have tried and we have not been as successful as we should be because it ought to be transparent to this body exactly what is being spent, where it is being spent, and we ought to be appropriating, as others have pointed out—Senator BYRD first and foremost among them—that we ought to be doing this through proper channels.

Yesterday, as the Senator from Illinois said, we tried to get an agreement for a bipartisan independent commission that would be established and that would bring, it is my conception, the

distinguished senior Americans, those whose credibility and integrity and experience and wisdom are unquestioned and would bring forth for the benefit of this body, but most importantly for the benefit of all the American people, what are the facts in these questions that have been raised and how do they instruct us in terms of the veracity of our intelligence information and the veracity of our political leaders.

Yesterday there was an editorial in the Washington Post which stated just that. It said: "Wait for the facts." It cited the President's remarks in his State of the Union Address, the 16-word sentence that has received so much attention. It went on to say:

If so, that would represent one of several instances in which administration statements on Iraq were stretched to reflect the most aggressive interpretation of the intelligence.

That, I believe, is a carefully phrased way of saying what I said earlier in my remarks. There were several times last fall when the implication was made or the assertion was stated that these weapons of mass destruction were not only developed but were poised to be used against the United States and that they constituted an immediate and urgent threat to our national security which, as I said before, both under U.N. charter and international law, is the single legal basis for the United States to invade another country: The threat of imminent attack or the actual attack itself.

As the most powerful nation in the world, the one that has led the way for over the last half century in not starting wars—finishing wars successfully, but not starting them—for us to engage in now the first of what the President has articulated as the doctrine of preemption, where we will initiate those wars, we will attack first, in the judgment of this Senator is a very unwise course which will dangerously destabilize the world if it becomes the normal practice of nations, other than the United States—and we have to expect it will—to launch those kinds of attacks.

Last August, before the Veterans of Foreign Wars in Nashville, Vice President CHENEY said:

There's no doubt that Saddam Hussein has weapons of mass destruction.

Secretary of Defense Donald Rumsfeld in September in Atlanta said that American intelligence had "bullet-proof" evidence of links between al-Qaida and the government of President Saddam Hussein of Iraq.

In each case, officials have offered no details to back up those assertions. Mr. Rumsfeld said today doing so would jeopardize the lives of spies and dry up sources of information.

As was stated by a couple of my colleagues, we have to rely on this hidden information which can be alluded to, to prove just about any point anybody wants to make, but we cannot know the facts.

In October, the President himself made his argument, quoting an article

in the Chicago Tribune, for invasion, emphasizing the notion Hussein could strike the United States first and inflict "massive and sudden horror."

Finally, Secretary Rumsfeld, again testifying before the Armed Services Committee, said:

The United States must act quickly to save tens of thousands of citizens.

I could go on with illustrations. My point is, we should let the facts speak for themselves. We deserve to know the facts. We deserve and must know, for the sake of our national security, whether the information we received from intelligence agencies was accurate, and we need to know for the sake of our democracy whether the representation of those facts by our leaders was accurate.

That is the intent of the Durbin amendment. It is the reason it should be approved by this body. It is the reason this body should do what is right, which is to seek together to know the facts.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank my colleagues for raising these important issues. I am going to take the first few minutes of my 30 minutes to talk on what has been discussed this morning because I think it is so important to the country, and then I will turn to another subject.

I have not previously spoken on these issues on the floor because my primary responsibility in the Senate is representing the State of North Dakota, and I have special responsibility for budget issues in my position as ranking member on the Budget Committee and as a senior member of the Finance Committee for matters that relate to Social Security and Medicare and the financing of the U.S. Government, and, of course, in my role on the Agriculture Committee dealing with questions of agricultural policy. I am not on the committees that deal with foreign policy and defense policy.

All of us have a responsibility to speak out when we believe the country is headed in a wrong direction. I believe the President is taking us down a road that is fraught with real danger for the country.

The President asked this Congress—the Senate and the House—for authority to launch a preemptive attack on another nation, an attack before that country had attacked us or attacked any of our allies. In fact, Iraq had not engaged in an attack on anyone for more than a decade. The President told us and told the world that they, Iraq, represented an immediate and imminent threat to America.

I personally believe there may be a place for preemptive attack in protecting the American people. I believe if we have clear and convincing evidence that a country represents an imminent threat to our people, we have a right to act first, especially in a world

where weapons of mass destruction do exist, to prevent catastrophic loss to our Nation.

When we launch a preemptive attack on another country, we had better have it right. We had better make certain that what we are saying and telling the world is correct. This President and this administration told the world and told this Congress that Iraq had weapons of mass destruction. There were many reasons to believe that statement, but now the harsh reality is, those weapons of mass destruction have not been found. This administration and this President told the Congress and told the world that Iraq was trying to develop a nuclear capability, and they gave as their best evidence that Iraq was seeking to buy uranium from Niger. That has proved to be wrong.

The President told the world and told this Congress that there was a clear connection to al-Qaida, and repeatedly we were told the best evidence was there was a terrorist camp in Iraq training al-Qaida operatives. Now we learn that camp was in a part of Iraq not controlled by Saddam Hussein but controlled by the Kurds.

The day before yesterday, the President made the most astonishing statement of all. In the Washington Post, the President is quoted as saying that he attacked Iraq because Saddam Hussein would not permit the U.N. weapons inspectors into the country.

I do not know if the President was misquoted. I have seen no attempt to correct the record. I said nothing about this yesterday because I hoped that the White House would say the President was misquoted. There has been no attempt to correct the record.

We all know the weapons inspectors of the U.N. were in the country. They were in Iraq. They were going site to site trying to determine if there were weapons of mass destruction, trying to determine if there was a nuclear program underway in that country. For the President to now say he attacked Iraq because they would not permit inspectors absolutely stands the facts on their head. The inspectors were there. The reason the inspectors left is because we were threatening to attack Iraq. So saying that Saddam Hussein did not permit inspectors in as a rationale for war is mighty thin.

We have a fundamental problem of the credibility of the Nation. Our country told the world a set of assertions, one after another, that have proven to be wrong or have proven not to be demonstrably the case. That puts our country's credibility at risk. When we are talking about attacking other nations preemptively, as I said in the beginning, we better make certain we have it right because if we start going around the world attacking countries and cannot prove our assertions that they represented an imminent threat to us, then I think America is in very serious risk of alienating the world community. That is not in our interest.

Mr. REID. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. REID. Senator DURBIN had to go to an appropriations meeting, but he asked that I relate to the Senate, and I will do it through the Senator from North Dakota—is the Senator from North Dakota aware there is a Web site the President has—I am sure the Senator is aware of that; is that right?

Mr. CONRAD. Yes.

Mr. REID. Well, I am aware of the fact that there was a part of that Web site that one can no longer get into. "Behind the Scenes" is what it was entitled. I hold up in front of the Senator now something that was on the Web site that one could go to, but one cannot anymore, talking about how the President prepares the State of the Union Message.

It says: Behind the Scenes, State of the Union preparation.

And it shows the President with his hands out there. It shows the President going over his speech word by word.

Under this, it says: While working at his desk in the Oval Office, President Bush reviews the State of the Union address line-by-line, word-by-word.

I want the Senator from North Dakota to know that Senator DURBIN—this is on his behalf but certainly I underline and underscore what he wanted to be printed in the RECORD—we are to a point that the Senator from North Dakota said we are. It is the credibility of not necessarily going to war in Iraq, which is certainly part of it, but the credibility of this country in the world. Can the United States of America, the great country that it is—can people depend on the word of the President of the United States? And certainly in that they have taken this off the Web site, it indicates that there is certainly a problem with the President going over his speech word-by-word, line-by-line.

Mr. CONRAD. I say to the Senator, I have not said anything for weeks on this issue, but with each passing day I become more concerned about the credibility of our Nation. When a policy is announced of preemptive strike, something we have never done before in our country's history—I remember going to grade school and being taught that America never attacked first, but if somebody attacked us, we countered and we always won. That was what we were taught growing up. I was proud of it. I was proud that America never attacked first.

Now the world has changed. I would be the first to acknowledge the world has changed. I can see a role for preemptive strike in a world where weapons of mass destruction do exist in order to prevent catastrophic loss to this country. But we better be very certain before we launch an attack on another nation that that attack is justified and that, in fact, that nation represents an imminent threat because, if we start attacking nations and we cannot prove our assertions, very quickly

the rest of the world is going to doubt our word, our credibility, and our basic goodness as a nation. Now, that is serious business.

The fact is, this administration told the world Iraq had weapons of mass destruction; that they were trying to develop nuclear capability; that there was a connection to al-Qaida. Each and every one of those claims now is in question. It is not just 16 words in the State of the Union. It is far more serious than that.

For the President, the day before yesterday, to compound it by saying he attacked Saddam Hussein because he did not permit U.N. weapons inspectors in that country is false on its face. We all know the weapons inspectors were there. We all know they were going site to site trying to find weapons of mass destruction. The question of whether or not they were effective or not is another question but to assert to the world that we attacked Iraq because there were not inspectors there, I am afraid it makes us look as though we are not very careful with our claims.

(The further remarks of Mr. CONRAD are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Durbin amendment is before us.

Mr. KENNEDY. I ask unanimous consent that it be temporarily laid aside so that my amendment will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1280

Mr. KENNEDY. Madam President, I send an amendment for myself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, and Mr. LIEBERMAN, proposes an amendment numbered 1280.

Mr. KENNEDY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of De-

fense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

Mr. KENNEDY. Madam President, this is an issue which we have considered a number of different times. I know the manager of the bill is familiar with the amendment. I know he is necessarily absent at this time, but he does know the substance of the amendment, and he is involved in the activities of the Appropriations Committee.

I will make a presentation and then engage with him when he returns to elaborate and summarize again the reasons and the rationale for this amendment.

I also understand it is both the desire of leadership and the floor managers to move the process along. I will be glad to work out with the managers of the bill a time for the Members to consider this amendment in a timely way.

Basically, this is the issue. I will go through it in more careful detail in just a few moments.

In 1993, we had approximately 1 million Federal employees. It has been the desire and the plan of this administration in the last 2½ years to see that the number of Federal employees is reduced dramatically and that there be outsourcing.

The amendment which we are proposing today follows and embraces the Commercial Activities Panel recommendations on outsourcing so that it will be fair to employees and fair to the taxpayers. This is an excellent report that was made up of contractors and other distinguished panel members. It was recommended in the Defense Authorization Act of 2001. The panel adopted as its mission to improve the current sourcing framework and process so that they reflect the balance among taxpayers' interests, Government needs, employee rights, and contractor concerns.

That is what this panel recommended.

The administration has been selective in part of the recommendations this panel has taken.

This amendment would include the two principal recommendations which the current administration has refused to include. They are included on page 50 of the Commercial Activities Panel. I will describe them in greater detail. But the sum and substance of this amendment is effectively to follow the recommendations that were made in a nonpartisan way which is going to ensure we are going to get the best for the taxpayer dollar and treat the Federal employees fairly.

The current administration has carefully eliminated two very important protections the panel recommended. This amendment incorporates those two recommendations in the administration's consideration for the outsourcing which will, if accepted, ensure that as the administration is considering the most efficient way to get the most efficient result as a result of contract competition we will carry forward the mission, in this case, of the Federal employees and the taxpayers.

That is what I think we ought to try to do. We ought to do what is fair to the taxpayer and to the employees. The current system does not. This amendment will.

Of the Federal employees that we are talking about, 40 percent are veterans. At the current time, 9,000 of these workers have been activated. A great many of them are over in Iraq. This is a wonderful set of circumstances.



While on the floor of the Senate, we say we care about our service men and women in Iraq, and we have several thousand of them over in Iraq who happen to be Federal employees. Forty percent of the Federal employees are veterans, and we are about to do them short shrift, if we do not accept the amendment which I offer. I think that is something which would be unworthy of this body at any time and would be unworthy of this body at this particular time.

The Office of Management and Budget put in place this year the most sweeping changes in rules on outsourcing of Government work in half a century. These rules contain no requirement for fair competition that would enable the Government employees an opportunity to demonstrate that they can do the work more effectively and for lower cost than private contractors.

Now the administration wants to use these new rules to privatize at least 225,000 Department of Defense civilian jobs in the years ahead. That is too much work, too many jobs, and too much of our national security to contract out without fair competition.

As I mentioned, nearly 40 percent of the civilian employees in the Department of Defense are veterans who served this Nation proudly. More than 8,000 are activated reservists serving in Iraq and other parts of the world defending our Nation. We owe it to these patriotic Americans not to privatize their jobs without fair competition.

At a time when we are spending \$4 billion a month in ongoing operations in Iraq, we should ensure the taxpayers are getting the best value for their money. Yet one of the most significant parts of the administration's proposal for the Department allows so-called "streamlined" competition for activities involving 65 or fewer employees. The streamlined rules emphasize speed in privatizing Federal jobs at the expense of quality and cost. The process must be finished in 90 days. The rules eliminate important fair competition requirements.

Federal employees are at a competitive disadvantage because the rules do not allow them to submit their best bids known as the "most efficient organization" plans. That is in contrast to the recommendation. They effectively prohibit Federal employees from being able to submit their best bid.

The rules also eliminate the guarantee of cost savings because they fail to require contractors to show appreciable savings by privatizing the work.

That is why I offer this amendment today, to ensure that no funds are spent on contracting out Defense Department jobs without fair competition. This amendment is about fair competition.

Federal employees must be allowed to offer their best bids. Competition must take into account both the cost savings and the quality. And the health care costs for employees cannot be a

deciding factor because Federal employees would obviously be at a disadvantage, and contractors would have an incentive to deny health benefits at all.

There are companies that do not provide the health care benefits. If they are in competition with the Federal employers who do provide it, it obviously skews it in favor of the private companies. We do not want to use the competition, in terms of Government contracts, to encourage employers to drop their health insurance for their employees. That certainly would be counterproductive in terms of all of the challenges we are facing in the health care area. Under this amendment they are not disadvantaged, therefore, by providing the health benefits to the Federal employees.

This amendment in no way prevents public-private competition. It is a moderate approach to ensure that competition is fair and leads to cost savings.

The Commercial Activities Panel, the group charged with reviewing outsourcing policies, has recommended that any replacement for the current competition process should include "the right of employees to base their proposal on a more efficient organization, rather than the status quo." This is their second recommendation under section 4, on page 50:

[T]he right of employees to base their proposal on a more efficient organization, rather than the status quo.

That particular recommendation is eliminated, which obviously disadvantages the Federal employees in terms of the competition.

The panel, comprised largely of contractor and administration representatives, made no exception for functions involving 65 or fewer employees. This is just a figure that was drawn by the administration.

The Commercial Activities Panel also recommended that any replacement in the current competition process should include a minimum cost differential, which requires the private contractor to be at least 10 percent or \$10 million more efficient than the Federal Government.

Without the minimum cost differential, a private contractor could be judged just a few dollars more efficient and take the work away from the Federal employees. Taxpayers would actually lose money on such a contract because of the significant costs of conducting the competition, shifting the work to the private sector, and administering the Government's role in the contract. Unless the private sector can show a significant reduction in the cost, it makes no sense to privatize the work.

That has been thoroughly reviewed in this panel, and yet their recommendations on the 10 percent or \$10 million requirements are effectively eliminated. This panel reviewed the various minimum standards that ought to be included and made their recommendations, but the administration

has effectively eliminated those. This amendment, again, embraces their overall recommendations.

On the issue of health care costs, the amendment would reduce the perverse incentive for contractors to provide inferior health care benefits to the employees. The amendment would require the Defense Department to determine the average cost of health insurance for a Federal employee, which remains the same each calendar year for each employee.

If the health care costs for Federal employees and private contractors are the same or the contractor's contribution is in excess of the standard established by Congress for the Federal workforce, then the provision will have no effect. But if the contractor's contribution is less than the Federal standard, the contractor cannot receive an unfair advantage in the cost comparison process.

This provision addresses a bipartisan concern about inferior or nonexistent health insurance coverage for employees, particularly for those who perform the Federal Government's work.

At a time when we are more concerned than ever about homeland defense, these OMB rules give an unfair advantage to private contractors who have little accountability. Yet critical aspects of our national security could be privatized.

The repair of planes, ships, and tanks, and the storage and distribution of vital weapons and supplies can be contracted out under these rules. We all know what a disaster it was when the private companies screened bags at our airports. Now Federal workers are doing the job better and Americans are feeling safer.

Today, there is far too little real competition for contracts to provide goods and services to Federal agencies. We should be getting the most out of every taxpayer dollar. But less—listen to this—less than 1 percent of Department of Defense service contracts today are subject to full public-private competition.

Adoption of this amendment will lead to a better and more efficient procurement policy for the Department of Defense. No jobs would be outsourced without an analysis showing cost savings. Government procurement should be based on what is best for taxpayers and national defense and national security. The amendment will produce real savings for the taxpayers and more reliable equipment for our courageous men and women in uniform.

We face great challenges to the Nation's security in these difficult times. More than ever, we rely on the Department of Defense, its dedicated members of our Armed Forces, and its dedicated civilian employees. We owe it to all of them to see that any competition process treats them fairly.

Let's not spend money on outsourcing that results from unfair competition and produces inefficient results. Public-private competition

should be fair to Federal employees. I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of the Kennedy amendment. A-76 is a program that was implemented by the Government several years ago to try to make sure that contracts let in the public and the private sector are actually saving money. Are the taxpayers getting the best bang for the buck that was intended at the time the contracts were let?

Folks in the public sector have never minded competing with the private sector for any type of public contract. The problem with A-76 is, when they go back and review those contracts that have been let, it seems they always go review the contracts that were awarded to the public sector and they never go to the contracts that were awarded to the private sector.

If A-76 is going to be fairly applied to the public sector, it ought to be applied to the private sector. That is simply not the way A-76 has worked over the years.

I complained about the previous administration on this issue, I complain to the current administration on this issue, and we have simply seen no change in the policy with respect to A-76.

Competition is what makes our country go round and round in the business community. Nobody minds competing if they are in business for the right reason. And when it comes, in my case, to the instances where I have the most experience—in the public depots—we have never minded competing with the private sector for a contract when it comes to repair or improvement of our military weapons systems. But every time we get awarded a public contract, it seems that 1 year, 2 years, or 3 years out, all of a sudden we are seeing an A-76 that is submitted and the folks come in and review the contract that has been awarded to the public depot, while, on the other side of that coin, the dozens and dozens and dozens and billions of dollars in contracts that are awarded to the private sector are never subject to the A-76 review.

Senator KENNEDY's amendment goes a long way toward righting that wrong. I support that amendment. I support making competition open, making competition fair between the public sector and the private sector. And if the administration is not going to take the initiative to do that, and make sure that is the fact of the matter in contracts that are awarded to the public sector, then this is the type of action we have to take.

I support the amendment.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so the Senator from Wisconsin, Mr. FEINGOLD, can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. What is the pending business at this time?

The PRESIDING OFFICER. The Kennedy amendment has been set aside in order for the Senator from Wisconsin to present an amendment.

#### AMENDMENT NO. 1279

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1279.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole)

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) the President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

Mr. FEINGOLD. I rise today to offer an amendment directly relevant to the most important national security priority before this country today. That, of course, is the fight against international terrorist networks that have murdered Americans.

We have heard a good deal recently about some questionable assertions made by the administration in the lead-up to the military action in Iraq. We still have not satisfactorily re-

solved concerns that I and some of my colleagues raised in the lead-up to the war in Iraq that I referred to and have referred to for almost a year as the “ever shifting justifications for United States action in Iraq.”

Congress is right to keep asking questions. The American people are right to demand answers. They deserve a complete and public accounting of how a piece of intelligence that was removed from a Presidential speech last fall because of doubts of its veracity then found its way into this year's State of the Union Address.

I rise to point out the administration's shifting justifications and flawed intelligence are not the only problems. There is another problem, and I argue it is as alarming or even more alarming. The problem is while all of this was underway—that is, the Iraq activities—while we were hearing less-than-accurate information as part of the administration's hard sell, we may well have been dropping the ball when it comes to addressing the most urgent threat to our national security; that is, combating the al-Qaida terrorist network and other international terrorist networks of global reach.

Of course, the horror of September 11, 2001 is seared into the memory of all Americans, but there have been other horrors: The African embassy bombings of 1998 and, yes, there was the attack on the USS *Cole* in Yemen. On October 12, 2002, the USS Navy destroyer *Cole* was attacked by a small boat laden with explosive during a brief refueling stop in the harbor of Aden, Yemen. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin, and wounded 39 others. The evidence clearly indicates al-Qaida was responsible for the attack on USS *Cole*.

However, how many people know on April 11, 2003, just a few months ago, 10 men suspected of involvement in the *Cole* bombing escaped from a prison building in Aden, Yemen? How many people have heard about that? It is not only the basic information that has been in short supply; explanations for this escape of these al-Qaida suspects is also hard to come by.

In early May, the Yemeni foreign minister suggests in remarks made to the BBC that “part of the problem is the long period of time during which they [the suspects] were held.” The Yemeni government called for sending them to court, but Washington also asked for postponement until the conclusion of its investigations into the *Cole* explosion or the file of terrorism in general.

The comments continue: “Incidents like this happen, especially when prisoners spend a long time in one place and guards become reassured that the prisoners have become used to prison and will not escape.”

This Yemeni statement suggests the U.S. Government was certainly aware of the detainees and involved in the issue. That is, of course, something we

would expect in this case, about people who were in prison in Yemen whom we knew to be the likely people involved in the bombing of our USS *Cole*.

On May 15, the Justice Department unveiled a 51-count indictment against two of the escapees, Jamal al-Badawi and Fahd al-Qusaa. The two were indicted on various terror offenses, including murder of United States nationals and murder of United States military personnel. The indictment said Badawi was recruited by senior members of Osama bin Laden's inner circle and he bought the attack boat in Saudi Arabia and obtained the trailer and truck used to tow the boat to Aden harbor. The press conference at which the indictments were announced underscored the seriousness of this matter. Obviously, given the press conference held by the administration official, this is not a small or a marginal issue.

We are talking here about the escape of operatives of Osama bin Laden. We are talking about people here who murdered 17 Americans. Fighting those forces, the forces of al-Qaida, must be our first priority.

When I wrote to the State Department and the Justice Department to gain some answers about just what happened here, I have to tell my colleagues, the answers were not satisfying in the least. In fact, a number of questions remain.

What were the circumstances surrounding the detention of the suspects? Where were they held? Were they moved? Where were they moved? What steps did the administration take to ensure the United States was familiar with the status of people suspected of involvement in a terrorist attack on our sailors? Did anyone representing the United States Government ever question these suspects? Did anyone ever visit the facility where they were being held? Did anyone even bother to visit the facility after the escape to try to understand how they escaped? Was the U.S. Government involved in any way in monitoring these detainees prior to their escape?

Again, I am talking about al-Qaida operatives. The indictment of Jamal al-Badawi indicates he was recruited by members of Osama bin Laden's inner circle. If he was a known al-Qaida operative, why didn't the United States take steps to monitor the detention facility where he was held? What do we know about the circumstances surrounding their escape? What kind of help did they have? Do the facts tell us anything about whether the decisions to facilitate the escape were taken only at a low level or were they taken at a higher level? If these escapees had help, what happened to the people who helped them? What does the U.S. Government know about these people and about what they are doing now? What steps have we taken to urge that those people be held accountable for their actions? What steps are currently being taken to find and detain the escapees? What steps are being taken to ensure they do not reach United States soil?

It is not unreasonable to expect answers to these questions. My very modest amendment simply expresses the sense of the Senate that the administration should provide them in the form of a report on this incident. If such a report needs to come in a classified format, I understand that, of course, and that is fine. What is not fine, though, is the prospect of letting this issue go unexamined. This escape occurred just as our brave troops were entering Baghdad, at least in part, in the name of stopping the threat of terrorism.

We cannot afford to be easily distracted, incapable of focusing on a global effort to stop terrorists because of our intense focus on other issues with only a nebulous connection to this most important priority of stopping international terrorist networks. I fear we have wondered far afield from the urgent task at hand. I am troubled that the same administration that was recklessly threading together any and all justifications for a war with Iraq a few months ago may have at the same time been complacent about the status of the USS *Cole* attackers.

This past Sunday on Meet the Press, Secretary Rumsfeld suggested that finding Saddam Hussein was more important in terms of providing, in his words, "closure" than finding Osama bin Laden. I know the al-Qaida network consists of far more than one man, but I fear the Secretary's remarks are emblematic of the problem. First and foremost, I believe the American people want to defeat the forces that attacked us. But this administration is leading us in some unrelated directions. We should be focused on stopping al-Qaida, stopping other terrorist networks, and denying terrorists access to resources, opportunities, and safe havens.

We all deserve to know what happened with this escape. All of us should join together in determining what lessons we can learn from this incident and what it tells us about where we have been placing our national security focus and priorities.

I urge my colleagues to support this amendment.

I intend to withdraw the amendment at this time, but we will certainly be revisiting this issue. I hope the administration will hear those words and respond to the need for the answers to these questions. The legislative option certainly remains available on other, perhaps more appropriate, vehicles. But given my inability to get answers to these questions thus far, I believe it is necessary to begin the process of raising this matter in the legislative process itself.

AMENDMENT NO. 1279 WITHDRAWN

Mr. President, I ask at this time to withdraw the amendment.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to my colleague from Nevada.

Mr. REID. Mr. President, I was speaking on the floor the other day about a statement on President Bush's Web site. I read from that one site. I had been told earlier that part of the Web site was no longer available to the public. Since that time, I have been advised that is not true. If that were the case, I would want that stricken from the RECORD. I would, however, say that doesn't take away from the fact part of the President's Web site indicates that he reads every word of his speeches, especially his State of the Union speeches, and works on it on a word-by-word basis.

Mr. JOHNSON. Mr. President, we are currently debating the Defense appropriations bill.

I wanted to call to the attention of my colleagues reports in the media this morning that the new U.S. military commander in Iraq has acknowledged now for the very first time that American troops are engaged in what he calls a "classical guerrilla-style war" against the remnants of the former Iraq President Saddam Hussein's Baath Party. He acknowledges that the attacks are growing in organization and sophistication.

These statements by Army GEN John Abizaid in his first Pentagon briefing since taking charge of the U.S. Central Command last week are in stunning and sharp contrast with earlier statements from Defense Secretary Donald Rumsfeld. It was only 2½ weeks ago that Secretary Rumsfeld insisted that the U.S. military was not involved in a guerrilla war. As Secretary Rumsfeld said as recently as Sunday on ABC News, the fighting in Iraq did not fit the definition of a guerrilla war.

I think it is important that the American public and we in the Senate acknowledge the circumstances that our troops now find themselves in a near unilateral circumstance because of the unwillingness or the inability of this administration to attract an international coalition for the aftermath of the Iraqi war.

Now it was also reported yesterday yet another American was killed in a rocket-propelled grenade attack, making him the 33rd U.S. soldier killed since President Bush declared major combat over, and the seventh soldier killed since President Bush, 2 weeks ago, said "bring 'em on" to the Iraqi militants. In addition, the pro-American mayor of an Iraqi city was also assassinated.

Minnesota Public Radio this week quoted Mary Kewatt, the aunt of a soldier killed in Iraq, saying:

President Bush made a comment a week ago, and he said "bring it on." Well, they brought it on, and now my nephew is dead.

Our Nation would be better served, and the security of our troops would be better served, if our President would spend less time trying to look and sound like a grade-B movie cowboy and a little more time providing some leadership to internationalize this situation in Iraq, and to give our troops some notion of when they are coming home.

I have to believe if President Bush had his two daughters in service to the military in Iraq, and his family's blood was on the line—as are thousands of American families', including thousands of America's daughters whose lives are also at risk—he may have thought twice before goading the Iraqi guerrilla war fighters to take another shot at America's military's finest in that country.

So we find ourselves now in a circumstance where we have morale problems reported because our troops have no idea when they are coming home. We now have an indication that there are few troops readily available to sustain a force of the 148,000 we have in Iraq.

The Army has 33 Active Duty combat brigades. There are now 16 in Iraq, two in Afghanistan, two in South Korea, and most of the rest are either committed to other missions or reconstituting, leaving just three brigades to send to Iraq as replacement forces.

The recruitment of multinational forces has been largely a failure because of the administration's insistence that everything be run through the United States rather than through the United Nations or NATO.

The Army indicates they are likely to activate two or more enhanced National Guard brigades by the beginning of next year for rotation to Iraq by March or April. And I quote: "Every possible unit worldwide is being considered for the possible rotations."

It is troubling that we continue not to see a long-term strategy that is international in nature. We continue to see the blood being the blood, almost exclusively, of American troops. We see the financial cost as being almost exclusively the burden of American taxpayers, as we are being told now the expenditures will run easily \$4 billion per month for as far as the eye can see.

To put that in some perspective, we are not able to fully fund the VA health care program for the entire year for all of the veterans of our Nation who have served our country because we cannot find the \$2 billion for the entire year, but we are spending \$4 billion in a month in Iraq. We cannot fund our schools; we cannot fund our prescription drug program at a decent level.

So I think people have to wonder, How long will this go on? We cannot cut and run. The decision has been made. We are there. The world is a better place without Saddam Hussein, there is no question about that. But we

do have to wonder why it is the United States should have to serve as a unilateral police force for the world, why the administration has not found ways to internationalize this issue, given the good will that was extended to us from allies all around the world post 9/11. That seems now to have been badly eroded.

So I hope our President will spend a little more time on international diplomacy, a little more time rethinking his budget priorities, a little less time posing for photo opportunities and trying to sound like a tough guy, when, at the time, it is our young men and women whose lives are at great risk, and will be at great risk on and on and on into the future if things do not change soon.

We can take great pride in the courage, the professionalism, the skill of our American military. They are second to none. They are the finest military in the world. But these unending deployments are going to cause great morale problems, are going to cause problems with recruitment and retention of our military. It is making a shambles of too many of their families' lives and their businesses.

We need to find a way so that it is not the United States that has to carry single-handedly this kind of burden on into a limitless future. I think the circumstances we find ourselves in now are testimony to, frankly, inadequate planning, unrealistic planning about what was, in fact, going to occur after the major military portion of the attacks in Iraq. Somehow there were these naive notions that the expatriates from Iraq would step in, we would decapitate the leadership, and all would go on well and easily. That is not the case. Now we find ourselves in a full-blown guerrilla war. The United States is in up to its neck now.

We owe tremendous gratitude to our soldiers who are fighting in these circumstances. We need to find a way, this administration needs to find a way so we do not find this lasting forever, that our taxpayers wind up being drained, that families all across this country wind up going through such tremendous emotional and other hardships, as we find ourselves virtually exclusively out on our own on the front lines in this very difficult part of the world.

So as Prime Minister Blair comes to visit with us later on this afternoon, I am hopeful perhaps this will be the beginning of a more realistic assessment on the part of the Bush administration about what, in fact, will have to come next. And what will have to come next will have to be an international alliance, not the exclusive energy and budget and blood of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I want to make everyone aware of the fact that Senator JOHNSON and his wife Barbara have a son, as we

speak, in the United States Army. In 5 years, this young man has been to war four times. So a lot of people could come to the floor and speak as Senator JOHNSON has spoken and not have the credibility or the foundation or the understanding he has. But he and his dear wife have spent many a worried hour wondering if their son was going to come home.

So I applaud my friend, the distinguished junior Senator from South Dakota, who is such a fine Member of the Senate, for yesterday and today coming in and giving the Senate the benefit of his thoughts, thoughts no one can render but for having had a son in harm's way as a result of being in the United States military.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, to follow up on the comments of the Senator from South Dakota, he alluded to the presence of over 100,000 United States troops in Iraq. As it turns out, if you look across the globe today, we have United States forces stretched around the world in places and numbers we have not seen for a long time—not only Iraq but Afghanistan, Bosnia, Korea, Japan, Germany, and many other places.

We support the deployment of those military personnel through a combination of sealift and airlift. When I served on active duty during the Vietnam war, we were fortunate in having so many more overseas bases from which we could forward deploy or resupply. Many of those bases are closed today, and we rely instead on a mixture of different kinds of aircraft, military and civilian, and on sealift, a variety of ships to serve as a bridge, a sea bridge or an air bridge, to connect this country to our troops deployed around the world.

The air bridge is changing. In this country we are seeing the retirement of an older aircraft built in the 1960s. The C-141 is being retired. It is being replaced by a newer aircraft, a very good aircraft called the C-17. To date, we have received about 100 of those new cargo aircraft and about another 80 have been placed on order and will be coming into the fleet in the coming years. We have as part of that air bridge C-5s, perhaps the largest cargo aircraft in the world, 74 C-5As built in the 1970s, about 50 C-5Bs built in the 1980s. A third part of this air bridge is the C-130. We have them in the Delaware Air National Guard, and they are in air guards throughout the United States. But it is really those three aircraft—the C-5, C-17, the C-130s—that enable us to resupply our troops and to move our men, women, materiel, and weaponry around the globe.

The C-5 carries enormous amounts of cargo, roughly twice the amount of a C-17, at distances roughly twice the distance of a C-17, even more cargo than a C-130 and greater distances than the C-130. The C-5s have been used in the Iraqi war and Afghanistan to move

men, women, and materiel, equipment, from the United States into theaters. And the movement of those personnel and that equipment within theater has fallen largely to C-17s and to C-130s.

I wish I could stand here today and say the combination of ships we have in our sealift capability and aircraft as part of our air bridge is sufficient to meet our needs. Our sealift capability is inadequate. Our airlift capability is in even worse shape.

I have an article—this is a June 2 edition of Air Force magazine—where they talk a good deal about the squeeze on air mobility—not just my words but the words of the top people in military airlift in the Air Force who cite examples of how our inability to move as much personnel, as much equipment as we sought made it difficult in some cases for us to implement our game plan in that part of the world. If the current assets, especially the current air assets we have within the Air Force, are insufficient to provide sufficient airlift, what might be sufficient?

Every so often, the Air Force is asked or directed to do another update to look at their assets and what we expect to be the need for airlift in the years to come and to tell us and the administration what their needs are. We need a new analysis and we need an update.

My hope is the language in the Defense bill, the authorization bill which is now in conference—that out of that conference will come clear direction for the Air Force, authorization for the Air Force to update that last study which is called MRS-05, out of that update will flow a good deal of the information we need.

We don't need another study or another analysis to tell us that the resources we have on the airlift side are woefully inadequate. The answer is more, not less. A critical question for us in this body, especially as we face a budget deficit this year of \$450 billion, is how do we go about meeting our woefully inadequate airlift capability, how do we do that in a way that is cost-effective and in a way that recognizes that we have these huge deficits and that as far as the eye can see they continue. I want to talk about that.

I would like to talk for the next several minutes about a cost-effective airlift, and then later today Senator BIDEN and I, along with Senator CHAMBLISS and others, will offer an amendment that we believe addresses in good faith how we might make some progress on that front today.

There are some who would like to take our C-5s, the fleet—there are 74 C-5As and 50 C-5Bs—some would like to get rid of all the C-5As, send them to the boneyard and let that be that. They have some interest in upgrading or modernizing the C-5Bs but less interest in doing anything for the C-5As.

As it turns out, we are going to be flying C-5As and C-5Bs for a good long while, probably for the remainder of this decade on both As and Bs and, for

Bs, well beyond that; even programs for As well beyond this decade. There has been a lot of debate in this Chamber in the last couple years on how we might upgrade the capability of the C-5 to make it more mission capable.

The Air Force pays a lot of attention to a number called the mission capable rate for aircraft. The mission capable rate for the new C-17 is in the mid 80s—it does a really fine job—the mission capable rate over the last 12 months for the C-5As, about 60 percent; the mission capable rate for the C-5Bs over the last 12 months, 72 percent. Two upgrades have been proposed to both aircraft. One of those upgrades is fairly inexpensive, the second expensive.

The less expensive upgrade is the Avionics Modernization Program. The Avionics Modernization Program would enable us to take a 1970s cockpit of a C-5A or a 1980s cockpit of a C-5B and turn it into a 21st century cockpit. Not only would it look different, the plane would fly differently, would be controlled differently. The communication gear would become 21st century communications equipment. Its reliability and effectiveness would be enhanced as would that of the crew—new training, avoidance equipment, the ability to actually fly at very accurate levels of altitude to enable us to get the maximum advantage out of the airspace in the skies in which we fly.

The avionics modernization package costs about \$3 million per aircraft. Between fiscal years 2002 and 2003, the Congress authorized and appropriated money to install the avionics modernization package in a total of 10 C-5 aircraft. This year, in the fiscal year 2004 authorization bill, there was an authorization for 30 additional kits, for the cockpits, communications systems, and all. In this bill, there is money appropriated for 18.

Let's go back. I talked about the number of C-5s we have: 74 C-5As, 50 C-5Bs. The Air Force is in the process of retiring 14 of the least dependable C-5As, the ones that are least mission capable, that create the most maintenance headaches. So we will end up with 60 C-5As and 50 C-5Bs later this year or next. The Air Force would like to see their C-5s AMPed, or fully equipped with this new upgrade, the avionics modernization package, by fiscal 2007. In order for us to meet that schedule, we need to appropriate not AMP kits for 18 C-5As in 2004 but for 30 to get us back on schedule. That 30, plus the original 10, will take us to 40 AMP kits for C-5s. That would leave about 70 more we would need to fund in 2005, 2006, and 2007.

What do we get out of AMPing the aircraft? Among the things that we get is better mission capable numbers. Last week I was privileged to meet with the four star general who is the commanding officer of our airlift mobility command, and I asked him: In terms of mission capable improvement, what can we look for? For each avionics modernization program that we

put in a C-5, how much improvement would we get?

He said it would be anywhere from 3 to 5 points of improvement of mission capability in each aircraft. That could mean taking the C-5 numbers, the A numbers, for the last year where the mission capable rate was 60 and bring it up to 63, or even as high as 65. It would take the 72 percent mission capable rate from the C-5Bs from the last 12 months and raise it to 75 percent, or maybe as high as 77 percent.

If you think about it, if we were to actually install the AMP kits in all C-5As and Bs, at roughly \$3 million apiece, the cost to the Treasury is about \$350 million. If you multiply 3 percentage points or 5 percentage points—let's take somewhere in between, say a 4-percent increase in the mission capability rate for AMPing C-5s. If you multiply that 4 percent across the whole 110 C-5As and Bs we have in our inventory at the end of this year, we end up with the equivalent of about—because of improvements in mission capability rates—4.4 additional C-5 aircraft.

The cost of getting those four additional C-5 aircraft is about \$350 million. The cost of a new C-5 or a new C-17 is a whole lot more than that. We can get four equivalent C-5s simply out of being more mission ready and mission capable by AMPing, installing the avionics modernization package in all the C-5s.

I want to talk a moment, if I could, about those who are interested in doing something about the As, not the Bs. I have talked about this first improvement, this first retrograde, the avionics modernization package.

The second piece is reengining, referred to as RERP. Reengining the C-5s would be a next step and a far more expensive step. We would not only change up the engines and install the same kind of engines that are on Air Force One, we would make major changes in the hydraulics and landing gear. Those are the major areas that cause downtime on the C-5s.

If you put together the improvements in mission readiness for AMPing the aircraft and another 3 to 5 percentage points, and from 10 to 15 percentage points by reengining the aircraft, you are talking about improvement in mission capability rates for the C-5As from roughly 60 percent to somewhere in the mid-70s, and improving the mission capable rate of the Bs from the low 70s to somewhere in the mid-80s.

There was a big debate a year or two ago on whether or not we ought to go forward and install both the first inexpensive fix, the avionics modernization package, and the reengining, just appropriate money to do both. The agreement that was struck was to do both fixes on a total of three aircraft. We are going to install the avionics modernization package on one C-5A and two C-5Bs. We are going to install the reengining package, new engines, hydraulics and landing gear and other

changes, on one C-5A—the same A—and two C-5Bs. We are going to fly them for a while and see how they work. If they work as advertised, or if they continue to have a high failure rate—and I have a hunch they are going to work—we are not talking about developing a new engine, we are talking about taking the same engine as on Air Force One, a modern aircraft engine, and it will give us 10,000 hours between changes of engines instead of 1,000, and it will make a huge difference in our mission capable rate.

Somewhere down the line we will have the opportunity to have those test aircraft—three of them—in the air, flying for a year or so; we will see how they are performing and we will then make the decision as to whether we want to invest more money in either of those retrofits.

I think that is smart. When we are talking about spending that kind of money, we ought to upgrade the planes and fly them for a while and see if they work as advertised.

The avionics modernization package has already been installed in at least one aircraft, and more are coming. The aircraft that it has been installed in was actually installed ahead of schedule and within budget. The early test is going well.

The Air Force has chosen a site on the east coast and one on the west coast to continue the work that has begun on the avionics modernization package installation for the C-5s.

We should go forward and put the C-5 avionics modernization package in as many C-5s as quickly as we can. Those are not my words. Those are the words of the four star general who actually heads up military airlift command. Those were his words as recently as last week. He said: Provide for us as many AMPed C-5s as you can, as quickly as you can.

The reason is that it is a fairly cheap fix to get aircraft readiness up and to give him the aircraft tails, if you will, that he needs in order to support our troops in Afghanistan, Bosnia, Iraq, and other places around the world—probably Liberia next. Who knows.

Let me close with this thought. Sometimes we are asked to appropriate money on this floor and we are asked to appropriate money for defense projects and others that have not been authorized by the authorizing committee. These 12 additional AMP kits, avionics modernization packages, for the C-5s have been authorized in both the House authorization bill, the Defense bill, and the Senate authorization bill. The authorizing committees are on board.

Sometimes we are asked to appropriate money when a branch of our Armed Forces has not expressed interest in a particular kind of weapons system or project or gizmo. In this case, these 12 kits, on top of the original 18 in the bill, are in the Air Force's list of unfunded priorities.

Sometimes we are asked to appropriate money when neither the air-

crews who fly these planes nor the maintenance folks who maintain them nor the four-star generals in charge of the whole show really think it makes a lot of sense. In this case, the aircrews who fly them, the maintenance crews who maintain them, and the four-star general who is in charge of the whole show say we need as many C-5s AMPed as quickly as we can.

Sometimes we are asked to appropriate dollars to buy a capability that is not needed. In this case, we need airlift. We need it. We need it today; we needed it last month; we needed it last year; and we are going to need more of it next year. We cannot meet the current demands for airlift.

If we actually put on all of our C-5s between now and 2007 the avionics modernization package, it is the equivalent of giving the Air Force three, four, or as many as five additional C-5 aircraft with which to meet their missions.

Sometimes we are asked to appropriate dollars for items that are not cost-effective. I am going to tell my colleagues, to get the effect of three or four or five additional C-5 aircraft for \$350 million by simply raising mission capability by anywhere from 3 to 5 points per aircraft for \$3 million apiece is a bargain in this world, and it is one we should not pass by.

If we end up with a mix of C-5As and C-5Bs—let's say in C-5Bs you have a cockpit that is 21st century—modern communications equipment, modern terrain avoidance, altitude separation equipment—and you end up with C-5As that have not been modernized or a 1970 cockpit with the old altitude separation equipment, the old terrain avoidance, the old communications gear—we put our crews in a difficult or maybe dangerous situation.

Today, C-5 aircrews move from C-5As to C-5Bs and fly them interchangeably. It does not matter because one aircraft is very similar to the other. The people who maintain the aircraft maintain the C-5As as easily as they can maintain a C-5B. Most of the spare parts fit interchangeably with the C-5Bs. I would not want to say to a crew today: You are going to fly the C-5B with the new avionics modernization, you are going to get in a 21st century cockpit and fly this aircraft, and then say to the same crew: Tomorrow you are going to fly the old aircraft with the old cockpit, with the old equipment.

I would not want to say to the maintenance crews: We expect you to maintain this old aircraft, and a lot of them are located at the same bases. Do we expect them to maintain the same aircraft—it is a differently configured aircraft in the cockpit—and expect them to have the expertise and training to do maintenance on an entirely different cockpit?

Finally, in terms of keeping spare parts, we do not put the spare parts at Air Force bases that have C-5As. There are Air Force bases around the world and in places where we support troops and have airlift.

I would not be making a big deal about this if the wings on the C-5As or C-5Bs were about to deteriorate and fall off. They are not. The wings and fuselages of the C-5As and C-5Bs, according to the experts, have another 30 or 40 useful years of life on them.

Mr. STEVENS. Will the Senator yield?

Mr. CARPER. I will be happy to yield.

Mr. STEVENS. Mr. President, the Senator from Delaware is a pilot and I am a pilot, and we are quite interested in this subject. We have had fairly long discussions about C-5As and C-5Bs. As I have told my friend from Delaware, I have conferred at length with the Air Force, and the Air Force just does not want to have money earmarked solely for C-5As. They will agree, if we want to do so, to specifically state that this money we have in the bill can be used for C-5As or C-5Bs for the kits. Some of the C-5As may, in fact, be eligible for such new kits, making them, as the Senator would say, 21st century capable.

The Air Force, however, objects to this amendment because this amendment—the Senator from Delaware has not offered it yet, but the Senator from Delaware is considering it, and I have reviewed it—would take money from the overall account. It would, in fact, diminish the moneys that are available for C-17s and other procurement of aircraft.

We are more than willing to allow the Air Force to make the determination which C-5As should be modified by these kits, but, again, I have to state to my friend, we must oppose the concept of having this money taken from the procurement account for the purpose of modernizing the C-5s against the wishes of the Air Force.

There is a study underway, as I understand it, which may identify C-5As that would be kept. I would even be willing to specify the money could be used for any of those planes that were designated in that mobility study to be eligible for the kits. But the Senator's amendment is still not acceptable.

I hope he will work with us and work with our staff in the remainder of the afternoon and see if we can work out something that is agreeable.

We have deterred from the regular order to which we agreed last night, and that was that Senator BYRD would offer the next amendment. So I hope my friend from Delaware will allow a distinguished senior Member of the Senate to proceed with his amendment, and we will try to work out some kind of accommodation with regard to the amendment of the Senator from Delaware.

I know Senator BIDEN is also very much involved. Perhaps between now and the time we return from the address to be given to us by the distinguished leader of the British Parliament, we can come to some satisfactory agreement with the Senator from Delaware.

Mr. CARPER. Mr. President, Senator BIDEN indicated he is interested in offering the amendment after Prime Minister Blair addresses our joint meeting. So I will not do it at this time. If I can accept the kind offer of the chairman to find some common ground, I would very much like to discuss that with him and Senator INOUE and their staffs.

Let me close, if I may. I see Senator BYRD is on his feet. I want to close.

Sometimes we are asked to appropriate money in ways that will not have much effect in a positive respect for those who fly our aircraft or for those who maintain our aircraft. As sure as we are gathered here today, a decision to put an avionics modernization package on our C-5As and C-5Bs will make those aircraft safer for the crews who fly them, it will make them easier to maintain for the folks in this country and around the world who are trying to maintain the aircraft as they meet their missions throughout the world, and it is a bargain for the taxpayers of this country.

Finally, it is a cost-effective—a highly cost-effective—way to maintain and to strengthen the air groups that connect us in this country to our disparate forces around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1281

Mr. BYRD. Mr. President, 216 years ago yesterday, in a sweltering room in Philadelphia, 55 men of extraordinary talents reached a most critical decision on the design of a new government for the United States. Days and weeks of acrimonious debate had failed to resolve disputes on the representation of each of the original 13 colonies. Men like Washington, Madison, Franklin, and Hamilton struggled over the issue of how the people of our Nation would be represented in their Government.

But then, on July 16, 1787, the Framers of what came to be our Constitution reached a breakthrough.

On that date, yesterday, 216 years ago, they struck a bargain that has come to be known as the Great Compromise. States with large populations would have the benefit of more numerous representation in the House of Representatives and States with small populations would be protected by equal representation in the Senate. Without that landmark agreement, work on a new constitution to replace the failed Articles of Confederation might have foundered.

Without the Great Compromise, we in this Chamber might never have met to debate the issues of the day. But as we debate the bill before us, one cannot help but recognize the perilous situation in which the United States finds itself with respect to our foreign commitments. We take up the fiscal year 2004 Defense appropriations bill at a time when nearly 150,000 of our troops are facing guerrilla attacks as they patrol Iraq.

While the administration had once predicted that our liberating forces would be greeted with smiles and covered with flowers, the Secretary of Defense is now warning that attacks on our troops may increase during the rest of July. In light of all of these facts, some may argue that we need to pass this bill soon in order to show support for our troops who remain under fire, nearly 17 weeks after the war in Iraq began and nearly 11 weeks after the President delivered his victory speech on the USS *Abraham Lincoln* where there was a banner over his head which proclaimed, "Mission accomplished." There it was, that banner streaming above his head proclaiming, "Mission accomplished."

If we rush to pass this bill to show support for our troops in Iraq, we will be rushing for naught because not one thin dime, not one copper penny, contained in this Defense bill is for the additional cost of war in Afghanistan or Iraq.

There is not one red cent in this bill for the additional costs to support 150,000 troops in Iraq or the nearly 10,000 troops who remain in Afghanistan. Linking speedy action on this bill to support for our troops who are now standing in harm's way is what is known as a bait and switch routine. This is a bill that only funds our military as if we were in a time of peace, but we all know we are going to be hit with a massive bill for wartime costs in a couple of months.

Let there be no doubt, the amount of money we are spending in Iraq and Afghanistan is massive. Since September 11, 2001, Congress has appropriated \$104.3 billion to the Defense Department for homeland security missions in pursuit of al-Qaida in Afghanistan and elsewhere, and the war in Iraq.

The total bill in Iraq so far, according to the Pentagon's comptroller, has reached \$48 billion. The Secretary of Defense reported last week, I believe it was, to the Armed Services Committee that we are spending \$3,921,000,000 each month for our occupation of Iraq, a figure nearly double that of its prewar estimates. Secretary Rumsfeld also reported that we are spending nearly \$943 million each month for military operations in Afghanistan.

I opposed the war in the beginning. I opposed the war in Iraq. Contrary to White House charges of revisionist history—which I maintain, as far as the revisionist part is concerned, is on the side of the White House—I never believed that Iraq posed a clear and imminent threat to the United States, and I stood right on this floor and said that. I never believed, and so stated at the time, that Iraq posed a clear and imminent threat to the security of our country. But when the war in Iraq began, I stated I would do everything in my power to provide our troops with the funds needed to ensure their safety, even though I disagree with the policy that took them into Iraq.

GEN Tommy Franks said to the House Armed Services Committee on

July 11 that our troops could be patrolling Iraq for the next 4 years, and the new commander in Iraq, GEN John Abizaid, acknowledged that our troops are facing guerrilla attacks. In today's papers he so stated.

We know our troops need money for food, fuel, ammunition and pay. There is no reason we must wait to provide for these needs until the administration requests its next stopgap spending measure. Congress should insist that these costs be included in the President's regular budget request.

I am sure it will come as a surprise to many Americans to know that the administration has not presented Congress with any request nor any explanatory detail regarding the costs that are racking up right now, this very minute, during our occupation of Iraq. The President has not requested any funding for the additional costs of the 150,000 troops who are expected to remain in Iraq for an extended period of time, nor has the President requested any additional funds for the cost of rooting out al-Qaida from Afghanistan.

The American people would be stunned to learn that the Senate is taking up a \$368 billion appropriations bill for the Department of Defense that does not include one thin dime for the additional costs, the incremental costs, of the war in Iraq or the mission in Afghanistan.

When we start talking about appropriations, budget resolutions, and supplemental spending bills, the eyes of many Americans start to glaze over. While John Q. Public may not know the intricacies of Federal budgeting, he fully expects that somebody in Washington is watching over his taxpayer money and that somebody is making sure of its effective use, that somebody is asking questions about the expenditures of his monies. But when it comes to financing military missions overseas, the White House continues to try to turn the Constitution on its head. The White House wants to spend the money first and have Congress approve the funding later. When it comes to this war in Iraq and the aftermath of the conflicts in Iraq and Afghanistan, the administration views Congress like an automatic teller machine: Just put the request into the machine, into the ATM, and the money slides out in seconds, no questions asked.

Last October, Congress approved a resolution authorizing military action in Iraq. I voted against that. I am proud I voted against it. As long as I stay in the Senate, I shall keep the tally sheet right in front of me, as I sit at my desk in my office, showing the votes on that matter.

At the time, the White House and the Department of Defense asserted that the cost of the mission was not knowable. That is what the administration witnesses said before our committee—that the costs were not knowable.

The message from the White House was basically, trust me, trust me. It is your money.



We have heard that. We have heard that old saying right here. But in this instance, it is your money, trust me. They said they would send the bill, the costs to Congress when they knew more about the details of the mission.

Well, when the President submitted his FY 2004 budget to the Congress in February, he continued to keep Congress in the dark. He requested no funding for the war in Iraq. Why? The House and the Senate needed to pass budget resolutions that the President hoped would include \$1.5 trillion of additional tax cuts. Perhaps the White House feared that a \$60 billion bill for Iraq, just for FY 2003, might worry some Members who are concerned about deficit spending when it came to voting on the bill to cut taxes. On March 13, 2003, the Senate Budget Committee approved the budget resolution with \$1.3 trillion of additional tax cuts and assumed no additional costs for the war in Iraq. On March 21, 2003, the House passed their budget resolution, including \$1.3 trillion of tax cuts and assumed nothing about the cost of the war in Iraq. On March 26, the Senate passed a budget resolution that assumed over \$800 billion in tax cuts. What was curiously missing from the conference report was an amendment that had been offered by Senator FEINGOLD and approved by the Senate to set aside \$100 billion for the war in Iraq.

When did the White House finally send up their request for a supplemental for the costs of the war in Iraq? The White House waited until March 25, 2003, to submit a massive \$62.6 billion request for the Department of Defense—6 months after the Congress considered the resolution to authorize military action in Iraq, 2 months after the President submitted his FY 2004 budget to Congress, and 1 week after the war in Iraq began.

Once the request was made to the Congress, the White House put its foot on the gas pedal and insisted that Congress move rapidly to pass the request in order to support the troops that were already deployed in the field. One hearing was held on March 27. As I recall, the hearing was so compressed for time that Members were not even allowed to make opening remarks. On April 1, the Senate Appropriations Committee approved the President's total funding request for DoD. On April 3, the Senate approved the request. Thirteen days later, the Iraq supplemental for FY 2003 was public law.

So the administration strategy worked. The strategy goes like this. Force the Congress to make difficult choices with either inadequate information or bad information. Deploy the forces. Get the funding hook in the nose of Congress by putting the troops in the field. Go to war. Spend the money. And insist that Congress move promptly to approve the funding again, after it is spent and more is needed to replenish accounts.

Now the Senate has before it the FY 2004 Defense Appropriations bill. Once

again, the White House is hiding the ball when it comes to facing up to the true costs of the mission in Iraq. Apparently, there will be no request for the additional costs of this mission until next February—after the fact. In other words, it will be a replay of last year. Meanwhile, there are 150,000 troops in the field in Iraq and 10,000 in Afghanistan, but no dollars to support them; no submission to Congress for how the money will be used; no oversight to ensure accountability; no plan for when the troops might come home; no plan for how to manage troop strength so that we do not have to keep our reserves deployed overseas for years at a time; no plan for attracting troops from other countries; no plan for seeking contributions from other countries to help cover the costs of the war and the peace in Iraq.

No, this White House wants to simply dictate the decisions and have the congressional ATM machine spit out the money.

The administration's only proposal so far is to slap down the national credit card and stick Congress and the taxpayer with a huge bill for supplemental appropriations somewhere down the road.

This is not an acceptable way to pay for our overseas missions. This is a blatant attempt to mislead the American people about administration policies that are leading to fiscal disaster. That is why I offer an amendment that states the sense of the Senate that the President should include in the budgets that he submits to Congress a specific request for funds to pay for our incremental costs in Iraq and Afghanistan.

We should put an end to this financial shell game of allowing the administration to hide the cost of occupation by using supplemental appropriations bills. My amendment would stop allowing this administration to hide the costs of these foreign adventures from the public. My amendment calls on the President to be up front with the American people about how much money we will really need to support our ongoing military operations overseas.

Congress needs to start holding the administration accountable for the funds that it spends for our military. We need to scrutinize the President's budget to make sure that we are getting the best value for our taxpayer money. If the administration keeps secret how it is spending the money appropriated to it for Iraq and Afghanistan, there is no check on its activities.

In the weeks before the war, the chief U.N. weapons inspector lambasted Saddam Hussein for playing a game of "catch as catch can." The chief U.N. weapons inspector excoriated the Iraqi regime for submitting misleading documents that did nothing to reveal what that secretive regime was up to.

Why in the world is the U.S. Congress settling for a game of "catch as catch can" when it comes to having this ad-

ministration be honest about how we are going to pay for the huge costs of occupying Iraq?

Why would the Congress, which holds the power of the purse—the Constitution has not been amended but 27 times, but not once in this matter. Congress still holds the power of the purse. It rests here in the people's branch.

Why would the Congress, which holds the power of the purse, settle for misleading budgets from the President that are intended to disguise the enormous budget deficit by excluding the costs of occupation of Iraq and Afghanistan?

We have to plan for these huge costs. There ought to be some tough questions asked about some of these expenditures. For example, we are paying \$3.9 billion per month to support 150,000 troops in Iraq, and \$950 million per month to support nearly 10,000 troops in Afghanistan. Many Americans must wonder, why does it cost \$26,000 a month to support one soldier in Iraq but \$95,000 a month to support one soldier in Afghanistan?

By using supplemental appropriations bills to fund the costs of extensive military deployments, the administration has found a tactic to avoid elementary questions such as that one.

The folks at the Pentagon and the Office of Management and Budget only need to wait until the right moment to send a supplemental funding request to Congress, and use the old cattle prod that we must pass the bill immediately, no matter what its cost, or our troops will run short of supplies.

It works. It works like a charm. Yes, like a charm. In the end, it is a budget tactic that is deceitful, allows for abuse and misuse of the public treasure, and cynically uses the very real emotional attachment that all Americans have for our troops.

The American people are coming to grips with the dangers of postwar Iraq. They read about them every day. They have read the headlines of daily attacks on American soldiers and they understand that the stakes are very high. The American people want a plan for postwar Iraq, so that they can be assured their loved ones will stay in harm's way only as long as absolutely necessary.

Congress must come to grips with the costs of postwar Iraq, as well as those associated with our continuing mission in Afghanistan. Yet a look at this defense budget leaves one wondering how these costs are being covered. There is no additional money for Iraq or Afghanistan.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. BYRD. Yes, Yes, I do.

(Mr. ALEXANDER assumed the chair.)

Mr. SARBANES. Am I correct in understanding this Defense Appropriations Committee bill has no money in it for Iraq, either the military costs or the reconstruction costs? Is that correct?

Mr. BYRD. The Senator is correct, with reference to incremental costs, additional costs. Of course, we will be paying salaries there that we would pay whether the personnel were there or whether they were back in West Virginia or in Maryland or wherever. The incremental costs for Iraq and Afghanistan, there is not one thin dime in this budget, not one.

Mr. SARBANES. If the Senator will yield for a further question?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. How is the Congress expected to play its role with respect to appropriations, and overseeing the expenditure of the public moneys, if we are not furnished this information?

Mr. BYRD. The Congress, apparently, is expected to just go along and hear all this talk about the "Commander in Chief," and not dare to raise a head to ask a question. You are not supposed to ask questions. You are supposed to put the money down. And that is the way we did it last year. The troops are there and by the time we got around to considering the supplemental appropriation bill, they had already spent several billion dollars, between \$30 and \$40 billion or some such—already spent. So we have to pay the bills. That is already spent. We have to do that.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. SARBANES. Will the Senator yield to me for a further question?

Mr. BYRD. Yes.

Mr. SARBANES. Of course, last year we were just getting into this situation. I understand in the past there have been instances in which, prior to actually going into operation, we weren't given figures because it is so hard to estimate them. Then they come to you for a supplemental. Of course, when they come for a supplemental, what can you do but give the supplemental? At that point you have no choice.

Mr. BYRD. Yes.

Mr. SARBANES. But now we are a year later and it seems to me it ought to be possible to make some estimates that would be contained in the budget.

It is my understanding that in the past, although we may not have gotten estimates before operations began, once they commenced and continued for a period of time, then estimates were contained in the budget requests because it was a continuing matter and you were in a period where you could make such calculations. Of course, that is not being done in this instance.

Mr. BYRD. No.

Mr. SARBANES. We are now well into it. It ought to be possible to make some estimates and contain those in the budget so we have an opportunity to review them. Would the Senator agree with that?

Mr. BYRD. Oh, absolutely, I agree with that. That is what my amendment is about. Here we were, over in the Armed Services Committee. I asked the Secretary of Defense how much is our country spending per month in

Iraq, on the war in Iraq, on the occupation of Iraq, and how much in Afghanistan? In both instances the Secretary said he didn't know. He would have to wait a while and get back to me.

Well, that is an old game.

Mr. STEVENS. Will the Senator yield to me for a question?

Mr. BYRD. If I may finish, and then I will be glad to.

That is an old game. You put it off. You don't want to answer on the record. You don't want to answer in public. And you don't want to answer that question lest there be a followup question. So you just put it off. Say, "Senator, I am sorry, I don't have that figure. I will have to take a while. It may take me a while, take us a while to give you that figure."

I said, Well, no, we want the figure now.

That is the way we are being handled. That is the way Congress is being handled, and I think it is wrong.

Then the answer came back, after a short recess of 20 or 30 minutes. The answer came back from the Secretary of Defense that the war in Iraq is costing about \$3.9 billion per month, and almost \$1 billion, \$943 million, I believe, per month, in Afghanistan.

Those answers we needed, and with that kind of information, I am sure the Defense Department had this estimate long before I asked them the question in the committee. They had these estimates. They should have incorporated them into a request in the budget bill. That could have been done. They could have foreseen—well, we are spending on the average of \$1 billion a week in Iraq. Let's put it in the budget. Let's put \$52 billion in the budget. That would be the way they ought to deal with Congress. That is the way they ought to deal with the people's representatives in Congress. But they are not doing it. They didn't do it then.

Mr. SARBANES. I thank the distinguished Senator. I think his answers have only underscored the importance of his amendment, which I very strongly support.

Mr. BYRD. I thank the distinguished Senator. I now yield to my friend from Alaska.

Mr. STEVENS. Mr. President, with regard to the question of the Senator from Maryland, does the Senator from West Virginia know that yesterday I pointed out the report we have from the Congressional Research Service is that no President has ever asked for funds for war in advance? No Senate has ever appropriated moneys based upon contingencies, predictions of how much would be spent for war.

In the Balkan situation, President Clinton did send money for the peace-keeping operations following the conflict in the Balkans. But I am really informed—does the Senator realize no President has ever conducted war financing the way the amendment of the Senator would require the President to do it, if it were a legislative mandate?

Parenthetically, as part of that question, though, I wonder if the Senator

understands, we are prepared to accept the Senator's amendment because it is a sense-of-the-Senate resolution which would indicate a request from the Congress that the President consider, in effect, to change that policy and submit a budget request in this instance which we are perfectly willing to support, to send to the President. But does the Senator realize, the statement of the Senator from Maryland indicates he thinks we should have before us now to include in the 2004 budget an amount that someone predicts will be necessary to fight a war when we don't know what the contingencies are, we don't know what the requirements are?

I wonder if the Senator heard the distinguished Senator from Hawaii yesterday when he explained his position as a platoon leader, and as a platoon leader if he had been asked how many grenades he was going to use in the next engagement, or how many rifle bullets he would need in the next engagement, or whether he could tell how much he would need for the next engagement so it could be passed on up to the President of the United States as to how much money we would need to conduct the war in Italy, it couldn't have been done. It can't be done now.

Does the Senator understand why we are opposing this? It is contrary to the tradition of the United States. And it is contrary to common sense to ask for a contingency budget request in the budget itself for operations considering what is going on in Iraq today. This could expand tomorrow or cease the next day. The contingency concept for a war like this cannot be predicted for a Presidential budget to be presented to the Congress. And it is presented 9 months before it goes into effect.

We are saying the President, in his submission in January, should give us a budget to tell us how much we will spend in a war and that the spending would commence at the start of the following October.

With due respect, does the Senator not agree that the problem we have here is to understand the President submitted this 2004 budget before the war began? How in the world can we expect the President to include in this 2004 budget request a request for expenses that may occur after October 1 of this year in terms of Iraq? Every President has financed those in the same way. Every single war has been financed the way this President is trying to finance this war.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. STEVENS. I am asking that question of my friend from West Virginia. He has the floor. I would like to get into this debate some kind of a balance with regard to how we are doing it. The Senator has the right to send a request to the President saying it "should" be done in a different way. But to say it "must" be done a different way, we oppose.

Mr. SARBANES. If the Senator will yield.

Mr. BYRD. Yes, without losing my right to the floor.

Mr. SARBANES. It is my understanding—and I phrase the question carefully in this regard—that while it is accurate to say we have not had these figures requested prior to entering into hostilities, that once we have gone into hostilities which have continued over a period of time, that has not prevailed.

Second, President Bush landed on an aircraft carrier out in the Pacific and said it was all over—"mission accomplished."

We are now into—presumably by his own statement—a postwar period in which we are trying to do a lot of reconstruction and peacekeeping. It seems to me under that premise put forward by the President himself that we ought to be receiving budget estimates. They can put an asterisk on it that says this is our best estimate. It may prove out to be different as circumstances develop. But we are not being given any figures on which to pass judgment.

Then after the fact, we receive a supplemental. Of course, a supplemental is going to be approved. There is no meaningful review at that point because it has already been done.

Then we are told this money has already been expended. You have to replenish the coffers without having a chance to subject the figures to the requirement that they pass muster.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the distinguished Senator from Alaska have any further questions at the moment?

Mr. STEVENS. Mr. President, the Senator is very kind. I have a whole lot of questions to ask. But I prefer to get on with the debate.

Mr. BYRD. Questions of me?

Mr. STEVENS. The only question to the Senator is that I would respectfully ask if he understands that we are willing to take the amendment as the Senator has drafted it because it seeks a change in policy and it is a sense-of-the-Senate resolution. We are seeking that change in policy.

Again, parenthetically, I believe the time may come when we have wars or postwar engagements of such magnitude that we should find a new way to budget contrary to past procedures.

But, again, I urge the Senator from Maryland to understand that history goes against the policy he has suggested.

I hope the Senator from West Virginia understands my feeling in terms of the way we are handling things now. Does the Senator realize there is \$32 billion left from what we provided in the supplemental for the war in Iraq? It is no-year money. It is not money that would cease to be available after September 30. We gave the President \$62.6 billion, and it was no-year money. It did not have to be spent by the end of September.

We have, in fact, appropriated money which, if this afterwar resistance—whatever it is—diminishes, should be enough money. We should not have to have another request.

That is the position this Senator takes. Does the Senator understand my position on that?

Mr. BYRD. Mr. President, since before this war began, I have asked repeatedly of this administration what their estimate of the cost of this war is. Do you have any estimate? We get a blank stare.

I cannot believe that an administration is going to lead a country into war without having some inside estimates by the very capable people who surround the President about what this war would cost. Of course, nobody—least of all me—would ever expect the administration to be able to say it is going to cost \$2.785 trillion. But I, others, and the American people were seeking some kind of a realistic range—and now more so than then.

Now we know that it has been testified to in the Armed Services Committee that the war in Afghanistan is costing \$3.9 billion a month. We know that. That wasn't known just at the beginning of that day. I am sure the Defense Department had already run the estimate and had come out with the figures. Why couldn't the administration use those figures and say to the Congress, well, we estimate that it is costing in Iraq \$3 billion, \$3.5 billion, between \$3.5 billion and \$4.1 billion, or something like that?

We just get stonewalled when we ask questions of that kind. I think Congress is entitled to better than that.

Mr. STEVENS. This will be my last interruption. Will the Senator yield to me for one other question?

Mr. BYRD. Absolutely.

Mr. STEVENS. Does the Senator recall that in the 2003 budget request President Bush asked for \$10 billion for contingency operations for defense emergency response funds for Afghanistan, the war on terrorism, and the activities that were going on at that time, and that he and I joined together in denying that request? We denied the request because we did not believe we should appropriate moneys based upon a contingency request.

Mr. BYRD. We approved it in the omnibus bill.

Mr. STEVENS. No. We turned it down in the omnibus, also.

Mr. BYRD. We approved it in the omnibus bill. That is the information I have.

Mr. STEVENS. The Senator was talking about the money we put in in January. That was money that already had been spent in Afghanistan and the war on terrorism. And we included those funds at that time in the omnibus bill. But we turned down the \$10 billion for the contingency operation. I didn't like the defense emergency response fund. The Senator from West Virginia didn't like the defense emergency response fund that just sits out

there—a big pot of money which they can take money out of without telling us what they are going to spend it for.

We face two different problems: One is that we have a request in the budget for a big pot of money that they are going to spend any way they want when we have always requested that we get money based on how much expenses had actually been incurred in fighting an engagement.

Does the Senator disagree with that?

Mr. BYRD. What we are advocating is that funds would be provided in the Appropriations Act to specific accounts set forth in such act.

Mr. STEVENS. That is why we support the Senator's request. That is why the Senator's request for the sense-of-the-Senate resolution is imminently sensible. And I would like to follow that procedure. That is not the procedure we followed in the past. This President is following precedence in connection with the way he has, in fact, presented the budget for 2004 and the supplemental request for the war in Iraq.

I thank the Senator.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. BYRD. Yes. I yield for a question.

Mr. DAYTON. I thank the Senator.

The Senator from Alaska has been in conversation with the administration, evidently, regarding funds already available. I was here 2 days ago when the same statement was made about the need for funds and when that would occur next year. Then I read yesterday morning in the paper that same day—the day before, on Tuesday—the comptroller for the Department of Defense said in a supplemental appropriation that was made earlier this fiscal year there is \$4 billion remaining for the purpose of war activities which, as the Senator pointed out, at the rate of \$3.9 billion a month in Iraq, plus in Afghanistan \$3.9 billion a month—that would be \$4.8 billion a month—there would not even be enough remaining amongst the funds to be expended to cover that.

So I ask the Senator from West Virginia, doesn't that underscore what the Senator said about the difficulty in getting the same numbers from the same principals?

Mr. BYRD. It does.

Mr. STEVENS. Will the Senator yield just for a clarification?

Mr. BYRD. Yes.

Mr. STEVENS. My staff informs me that the Senator has the numbers turned around. There were \$15 billion, of which \$4 billion have been used. We are certifying there are \$11 billion left now.

Mr. DAYTON. I read the figures differently. If I am incorrect, I will stand corrected. If the Senator's staff is correct, then that would be enough money for about 2½ months of the next fiscal year—I shouldn't say the next fiscal year because my understanding is they are drawing down that money now.

Mr. STEVENS. The distinguished Senator from West Virginia still has

the floor. If he will let me respond, parenthetically, again, the Senator is correct, if the expenses continued at the rate of the expenditures for the months of June and July—the two 4 weeks just previously—the Senator is correct, the account was \$3.9 billion a month for those operations. We do not consider that even today the activities are continuing at the same rate they were in the average per day for the last 4 weeks.

Mr. DAYTON. I thank the Senator.

Mr. STEVENS. In addition to that, there is \$45 billion in specific service accounts that are in fact going to be used in Iraq. So we are not dealing with something where there is no money provided. There is \$45 billion in specific unit accounts where that money will be spent in Iraq. And it is an augmentation because of the Iraqi conditions.

Mr. BYRD. Mr. President, my amendment reads as follows:

It is the sense of the Senate that—any request for funds for a fiscal year for an ongoing overseas military operation—

The word is “ongoing”—

for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31 United States Code. . . .

These are ongoing—ongoing operations.

What is to keep this administration from sending up an amended budget request right today? The administration has already said we are spending \$3.9 billion a month in Iraq and almost \$1 billion a month in Afghanistan. Why doesn't the administration send up an amended budget request right now and let us include that money in this appropriations bill?

Now, the administration knows that is what it is spending. Why couldn't we at least include it in this bill that is before the Senate, rather than wait until next February when the administration will send up a request for that amount plus a great deal more? And why not anticipate the remaining months the administration expects to be in Iraq and Afghanistan and anticipate for the same amount on into the future?

It is this thing that I feel very strongly about: the Congress of the United States being held at bay when it comes to getting information from this administration. When it comes to appropriations, the Congress has control of the purse strings. And when we asked the administration witnesses, at least one of them said these figures are not knowable, this information is not knowable. Well, they have these estimates. They had them then, and they could have been included. So the Congress can exercise its constitutional oversight over these moneys that are being appropriated and spent.

I am glad the distinguished Senator from Alaska has indicated he intends to accept this amendment. But while

we are on this subject, I have a chart here.

Now, the distinguished Senator from Alaska—and he is a distinguished Senator, a very distinguished Senator, my friend—time and time again he has said something about the moneys during the Clinton administration.

The supplementals for Kosovo and Bosnia were in the range of \$2 billion to \$3 billion for each mission. The Iraq supplemental that was passed this April was \$62.6 billion. If we are to believe the cost estimates of Secretary Rumsfeld, that he testified to at a recent Armed Services hearing, the current cost of supporting 150,000 troops in Iraq and 10,000 troops in Afghanistan is \$4.8 billion per month, or \$58 billion if our troops are to remain in Iraq and Afghanistan for all of fiscal year 2004. The fiscal situation is completely different today than it was in 1998 and 2000 when supplementals were approved for Bosnia and Kosovo.

As one can see on this chart, in those years, we were running large surpluses: \$69 billion in fiscal year 1998 and \$236 billion in fiscal year 2000. The issue of how to finance a \$2 billion supplemental was not and did not need to be a critical element of the debate.

Just this week, the White House released their Mid-Session Review. And the White House projections are on this chart.

The White House projects deficits of \$455 billion for fiscal year 2003 and \$475 billion for fiscal year 2004. The estimate of \$475 billion for fiscal year 2004, the year of the Defense appropriations bill that is now pending before the Senate, does not include any cost, not one dime, for the incremental cost of the war in Iraq or the mission in Afghanistan. Therefore, if the President had requested a budget amendment or a supplemental for these missions, the deficit for fiscal year 2004 would likely be over \$500 billion. And if you exclude the Social Security surplus, the deficit for fiscal year 2004 could exceed \$650 billion.

Mr. NELSON of Florida. Will the Senator yield on that point?

Mr. BYRD. Let me just finish briefly.

The cost of the war in Iraq and the mission in Afghanistan is over \$1 billion per week. General Franks has said that it is likely we will need to retain significant numbers of troops in Iraq for years to come. We know that now. We should not hide the ball from the American people until next year.

If we want to talk about then, we were running huge surpluses back in those days. Yet the cost was small, talking about \$2 billion, \$3 billion, when surpluses were running \$69 billion, \$125 billion, \$236 billion, \$127 billion. Now we are talking in a deficit situation. We are running huge deficits, astronomical deficits, never to be heard of before deficits. The costs we are talking about hiding here and waiting until the supplemental comes before Congress are many, many times higher than they were during the Clin-

ton administration. So it is a little like trying to equate apples and oranges.

Yes, I yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator from West Virginia for the point he has made. I would like to underscore it. By the administration's own figures, they are projecting the budget deficit—that is, the amount of money that we have to go out and borrow to pay our existing debts—in this fiscal year as \$455 billion as illustrated by the chart the Senator has just shown. They are projecting next year \$475 billion of deficit spending. Yet they will not come forth with a supplemental request when finally the Senator from West Virginia got the Secretary of Defense to admit in the Senate Armed Services Committee that the monthly cost for carrying on the war is \$3.9 billion a month, just in Iraq, plus about \$750 million a month in the war being prosecuted in Afghanistan.

Mr. BYRD. Nine hundred and forty-three million.

Mr. NELSON of Florida. And thus, as the Senator has pointed out, it brings it to well over some \$60 billion additional.

Isn't it curious that if they are projecting \$475 billion by their own figures in deficit financing for next year, that they do not add the additional \$60 billion of anticipated war expenses, and that doesn't even count for the additional interest that will have to be paid on that newly incurred debt. Therefore, the deficit gets larger and larger and larger. To the average person what that means is, it is going to stall the recovery. It is going to cause the cost of money to go up in the interest rates.

But if we, as dictated by the Constitution, are to fulfill our appropriations duty, is it not logical that this Senate and the House of Representatives should have the information as to what the projected costs are of carrying on the function of the Government of the United States, including the defense of the United States? That is the question.

Mr. BYRD. They should have. The President, I say, should send up a supplemental budget request today for \$58 billion.

Mr. NELSON of Florida. Would not the Senator wonder, then, since they refused to do that, and here we are in the middle of a war and a soldier is getting killed every day, would the Senator not wonder why they don't? I think that it might be that it just shows that annual deficit spending exploding higher and higher, which is ultimately going to have an effect on the financial markets of this country and make it all the more difficult for the economic recovery to occur.

Mr. BYRD. Yes. Well, I thank the distinguished Senator from Florida for his thoughtful observations. I would hope that the administration would send up a supplemental request. Otherwise, I think we ought to try to add to it this

bill. Why not? Why not? That is the anticipated cost. In any event, let me finish my statement. I am almost at the end.

The administration has reported to Congress that we are spending \$4.8 billion each month in Iraq and Afghanistan. These costs can be anticipated, can be budgeted, and can be controlled. They are costs driven by policy emanating from the White House. There is absolutely no reason why they should not be included in the Defense appropriations bill that is now before the Senate.

If we truly want to support our troops, we should have truth in budgeting. My amendment calls on the President to be up front about the costs of our deployments in Iraq and Afghanistan. It would stop the practice of gimmicks and secrecy which hide the true cost of these foreign entanglements from the American people, the American taxpayer.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1281

(Purpose: To state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1281:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

Mr. STEVENS. Mr. President, the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations began with the end of the last Persian Gulf War, and the introduction of United States military forces into the Balkans.

Excluding the costs of Operation Iraqi Freedom, the incremental costs of U.S. peacekeeping and contingency operations from fiscal year 1991 to 2003 total \$36.8 billion.

Congress has debated and passed a supplemental appropriations bill for

the Department of Defense every year from fiscal 1991 to the current fiscal year. The Congress has debated funding these operations from offsets within other discretionary programs, or from within the defense topline.

Beginning with the supplemental request of the Clinton Administration for fiscal year 1998 Congress has provided defense spending as an emergency or provided funding without offsets.

The Appropriations Committee attempted to mitigate the need for emergency supplementals by creating the Overseas Contingency Operations Transfer Fund in the defense bill, and the Clinton Administration still found it necessary to request emergency supplementals.

In March of fiscal year 1998, the Clinton Administration sought \$1.9 billion for ongoing operations in Bosnia and Southwest Asia. In fact, the Senate considered an amendment to strip the emergency designation from those funds. That amendment was defeated 92 to 8.

Since the 105th Congress, supplemental defense appropriations have been provided as emergencies or without offsets. The Congress passed two supplemental defense bills in fiscal year 1999 totaling \$19.1 billion.

The Senate will recall that the President requested a \$10 billion contingency fund for the global war on terrorism as part of the fiscal year 2003 budget request.

The Congress rejected that request until the Administration could better define the costs of contingencies. Those funds were appropriated as part of the Omnibus Bill passed earlier this year.

The Clinton Administration was aware that operations in Southwest Asia and the Balkans were ongoing, yet chose not to fund fully those operations in the budget request. As I stated earlier, the Congress passed emergency supplementals for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Congress has passed nine consecutive supplemental emergency defense appropriations without offsets.

Funding from the fiscal year 2003 supplemental was used to offset the difference between the President's budget request for fiscal year 2004 and the discretionary total in the budget resolution.

As operations progress in Iraq the Administration will better define contingency costs. That is the position taken by the Congress last year—and the approach to funding used by the Clinton Administration to fund peacekeeping in the Balkans.

The Appropriations Committee will examine the costs of operations in Iraq as they are identified. The Senate will have the opportunity to consider those costs in any necessary supplemental. That has been the approach to funding contingencies taken by this body for 6 years.

Mr. DODD. Mr. President, I rise to speak in support of the amendment offered by my distinguished colleague,

Senator BYRD. I was not able to speak in support of this amendment when it was being debated because I was in a meeting with the distinguished Prime Minister of the United Kingdom, Tony Blair. This was an important amendment, and I am pleased that it was adopted earlier today.

This amendment calls upon the Bush administration to tell the Congress and the American people "up front" in its annual budget submissions, what it plans to spend on foreign military operations, particularly those in Iraq and Afghanistan. It also asks the administration to identify the specific Department of Defense accounts that will be tapped to pay for those activities.

Greater fiscal accountability is clearly needed, especially in light of an explosion in the size of the Federal deficit that has occurred since the Bush administration took office. Increased defense spending has undoubtedly played a role in that growing deficit.

This year's fiscal deficit will reach \$455 billion—the largest Federal deficit in the history of this Nation. Just five short months ago, the Bush administration estimated that the fiscal year 2003 deficit would be \$305 billion—no small amount. But more than \$150 billion short of what it now estimates will be the fiscal gap. Obviously, this is more than simply a question of a rounding-off error on the part of the administration's budget experts.

I for one am skeptical that the administration really believed that its original estimates were on target.

What is not debatable is that our Nation's fiscal house is in disarray. We urgently need to get a handle on Federal spending. A first step in getting that handle is for the administration to come clean with the Congress and with the American people about what our commitments in Iraq and Afghanistan will mean in monetary terms.

Up until now, the administration has consistently "low balled" the cost of our military operations in these countries. They have skirted cost questions by being intentionally vague about their plans.

We now know that the military phase of the Iraq operation—the period from January thru April—cost approximately \$4.1 billion per month.

Beginning in May, we were told that the cost of the pacification phase of the operations would be much lower—closer to \$2 billion per month. That turned out to be untrue.

This past Sunday, Defense Secretary Rumsfeld admitted what has become evident—that these costs were running closer to \$4 billion per month. The costs of operations in Afghanistan add an additional \$1 billion per month to Department of Defense military expenditures. At current rates of spending we will have spent more than \$70 billion dollars for military operations in Iraq by the end of the year.

On the non-military side in Iraq, \$7 billion—\$2.4 billion in U.S. appropriated funds—will have been spent by

the end of the year on humanitarian and reconstruction efforts. And that is just the beginning. The total bill for nation building in Iraq could go as high as \$100 billion when all is said and done.

The Byrd amendment attempts to address a larger concern that simply the dollars and cents of our commitment in Iraq; it really goes to the overall conduct of our policy there.

Let me say very clearly that I am in no way critical of what our brave men and women serving in our armed forces have been doing in Iraq, or elsewhere. We are all very proud of our U.S. Service members—those who have served or are now serving in Iraq and Afghanistan. We pray for the speedy recovery of those injured in the service of their country, and our hearts go out to the families who have lost loved ones.

Nor do I mourn the removal of Saddam Hussein—the world is far better place now that he is no longer the dictator of his people.

The bottom line is the U.S. military has done and is doing a tremendous job—under very difficult conditions.

Having said that, it is increasingly apparent that the Bush administration was ill prepared for what is now confronting on the ground in Iraq—both in terms of the extent of hostilities and the costs of the operations.

Last year when the Congress debated the resolution authorizing the President to use force in Iraq, many of us were concerned that the administration had not done sufficient thinking or planning for what we could expect in post-Saddam Hussein Iraq.

Such concerns were dismissed by administration officials.

I do not like to say the following, but I must.

There has been a level of arrogance on the part of some in the administration when it comes to foreign policy generally and most especially Iraq. That arrogance has caused senior policymakers in the administration to be closed to advice from career government military and foreign policy experts and dismissive of congressional concerns about the challenges that we might confront in post-Saddam Iraq.

I supported the congressional resolution authorizing the use of force last year. And, I would do so again today. But I firmly believe that the concerns I expressed during consideration of that resolution—about the importance of getting broad international support for whatever we wanted to do in Iraq—take on even more significance today.

We will never know whether more patience would have gained us the U.N. Security Council endorsement for our efforts to rid Iraq of Saddam Hussein. I for one believed that it would have been worthwhile to give that U.N. process a little more time to get that endorsement.

I did not believe at the time that Saddam Hussein was an imminent threat to the United States, although I never doubted that he possessed, or at

the very least sought to possess some quantity of weapons of mass destruction. Clearly, nothing found in Iraq thus far has caused me to change my assessment about the level of threat Iraq posed to the United States.

There is no doubt that had we gotten a U.N. endorsement for our campaign, we would be in a far stronger position today to convince other governments to participate in ongoing peacekeeping efforts and to share the costs of Iraq relief and reconstruction.

It is also very clear that the administration got it wrong with respect to the mix of combat forces and military police that would be required for the post war phase of the operations. If there had been more of a police presence at the outset, it might have served as a deterrent against the vigilantism that is now occurring.

The Bush administration has consistently asserted that we are not alone in Iraq—that there is a “coalition” of governments helping us restore security and build a democratic Iraq.

That really isn't the case.

There are currently 148,000 American troops in Iraq. The non-American component of the military coalition is only 13,000 strong. The administration states that there will be an additional 17,000 foreign military deployed to Iraq later this summer. Should that come to pass, U.S. troops will still represent roughly 75 percent of the forces on the ground in Iraq.

Moreover, if current levels of violence continue, more troops are going to be needed to stem the American casualties that are now being sustained—some experts estimate that double the current number of troops there may be needed.

Where are those additional troops going to come from? I strongly urge the administration to turn to the U.N. and to NATO for that assistance. It is in our national security and foreign policy interests for the U.N. and NATO to become partners in rebuilding Iraq.

However, if we are unable to persuade our friends and allies to help in this effort, the deployment of additional U.S. troops may be needed to protect those already deployed. This could include American Reservists and members of the National Guard. And, while I agreed in principle with what my colleague, Senator BYRD, was seeking to do on Tuesday with an earlier amendment, namely to prevent unlimited deployments of reservists and members of the Guard to Iraq and Afghanistan, I was also concerned about the safety of our troops.

Unfortunately, the fluidity of the situation in Iraq may require the deployment of these forces for an unspecified time. That is why I reluctantly opposed that amendment.

Why is there such uncertainty surrounding Iraq? Because I believe that U.S. policy is adrift. The administration has not been able to get its arms around what is going on there.

One day the administration says it wants to put Iraqis in charge of their

own country as quickly as possible. Another day it announces that the Coalition Provisional Authority, headed by retired U.S. Ambassador Paul Bremer, is the Government of Iraq. One day the administration tells us that Iraq's oil revenues will be sufficient to rebuild Iraq's economy. Another day it calls for the convening of an international donors conference to raise billions of additional dollars it says are needed to restore Iraq's economy.

As this policy drifts, increasingly the Iraqi people blame America for the ongoing chaos in their country. And who is the face of America on the streets of Iraq? Americans in uniform. They have become the targets.

Growing hostility has already cost 82 American lives since May. Every day we pick up the newspaper and read about another two or three American service members being attacked or killed by unknown assailants. Yet the administration continues to tell us that all is going as planned.

And the need for administration officials to be up front with the American people about Iraq goes beyond simply telling them how much it is going to cost or how many troops will be necessary.

It also goes to the matter of the administration's credibility—its credibility about what it has told the American people concerning Iraq's weapons of mass destruction. There are mounting questions as to whether some in the administration manipulated or distorted intelligence in order to justify what they wanted to do for other reasons.

President Bush has hurt U.S. credibility by overstating the case about the dangers of Iraq's weapons of mass destruction—particularly with respect to its nuclear weapons capacity.

Attempts to construct a “coalition of the willing” within our own intelligence community, in order to tilt intelligence was also dangerous, divisive, and unnecessary. We all accepted that Saddam had a clear track record with respect to WMD—they didn't have to “gild the lily” with information which we now know was false. And more seriously, which some administration officials knew at the time to be false. Even more serious is the willingness of these officials to pressure career intelligence analysts to sign up to conclusions about Iraq's WMD program that they didn't believe to be accurate. This calls into question the integrity of our entire intelligence community.

This issue does not seem to be going away. The administration has yet to give an acceptable explanation for what really happened or to identify who was responsible. We need to get to the bottom of this and put in place safeguards to prevent future manipulation of intelligence. It is extremely unlikely at this juncture that closed congressional hearings dominated by one party are going to allay the American people's concerns.

I recognize that the Byrd amendment does not attempt to address the intelligence issue I have just mentioned. I raise it in the context of the debate on this amendment because it is part of an administration pattern with respect to all matters related to Iraq—a pattern of secrecy, stonewalling, and obfuscation.

With the adoption of this amendment, the Congress has sent a modest signal to the administration that, at least on the spending side of our engagement with Iraq, we expect more transparency from our government.

Mr. FEINGOLD. Mr. President, I rise in support of amendment No. 1281 offered by the distinguished Senator from West Virginia to H.R. 2658.

I am disappointed that the amendment offered by the Senator from North Dakota was tabled yesterday. I have been a consistent advocate of transparency in our budgeting practices, and this amendment would have gone a long way to promoting such good practices. I am happy that we have a second chance to address this issue with the amendment offered by the Senator from West Virginia.

The Office of Management and Budget recently announced that they expect this year's budget deficit to reach \$455 billion and predict a \$475 billion deficit for fiscal year 2004. The estimates for fiscal year 2004 do not even include the cost of operations in Iraq. Such a dire fiscal picture makes it even more important that we get a better sense of the costs of future operations and make our decisions accordingly.

When we are conducting military operations or know that such operations are imminent, the budget must reflect it. We should not blithely go along as if it were a time for business as usual. We should budget responsibly for what is happening.

I would like to remind my colleagues about how much trouble we have had trying to get realistic figures from the administration about the cost of the Iraqi operations. We should not be operating in the dark. We must be presented with all of the facts so that our judgments on these tough issues are sound. Honest budgeting demands it.

As my distinguished colleagues have noted, we are no longer in the situation where the costs of the operations in Iraq and Afghanistan are unknown. The Secretary of Defense recently told us that we can expect to be spending almost \$4 billion a month in Iraq and almost \$1 billion a month in Afghanistan. The Pentagon comptroller has publicly stated that the administration has a good idea of what our overseas military operations will cost over the next year. Why are we pretending otherwise?

It is interesting to note that before the operations in Iraq, the Congressional Budget Office estimated that occupation costs would be between \$1 billion and \$4 billion a month, showing that we can get reasonable estimates. We can use those estimates to better the budgeting process.

We should continue to try to improve the process to ensure that we in the Senate and the American people can clearly see the facts and set priorities accordingly.

This amendment is not limited to this year or to the operations in Iraq or Afghanistan. Some may say that budgeting for potential future operations is not possible. I agree that predicting an exact cost is difficult, but that does not mean we cannot prepare a rough estimate. In fact, doing so will help us better analyze our options and make better decisions about any future engagements. The Senate wisely chose this path with the recent budget resolution when it adopted the amendment offered by myself and the senior Senator from New Jersey setting aside \$100 billion of the tax cut for operations in Iraq.

I strongly urge my colleagues to support this amendment. When we ask the American people to support future operations they should know what we expect the operations to cost. We owe the American people this honesty. I commend the distinguished ranking member of the Appropriations Committee for offering this amendment and for repeatedly raising important questions about the administration's policy on Iraq. He has performed a valuable service, and I thank him for it.

Mr. STEVENS. Mr. President, I would like to try out a unanimous consent request. There is pending my motion to table the Durbin amendment and there is pending the Byrd amendment. The Senator from West Virginia wishes to have a rollcall vote. Senator MCCONNELL would like to have 5 minutes to speak before these votes commence.

I ask unanimous consent that we vote on the Durbin amendment following Senator MCCONNELL's statement of not to exceed 5 minutes, and that is on or in relation to the amendment. I have made a motion to table that. After that, I ask that we have a vote on Senator BYRD's amendment, which I shall support. That will have everyone here in time to go and listen to the Honorable Tony Blair, if we can get started in a few minutes.

I support Senator BYRD's amendment because it is a sense-of-the-Senate resolution saying that any request for funds for the fiscal year for the ongoing operations in Afghan and Iraq should be included in the annual budget and that any such funds provided should be provided in the Appropriations Act for such fiscal year to appropriate specific accounts for such acts.

I support that concept. I do say what it really says to me is that the President's budget would contain an estimate of the costs for an ongoing operation and we would allocate the funding to the specific accounts subject to our approval of the estimates based upon specific hearings before our committee and listening to the representatives of the various services of the military. I think that makes eminent

sense. It is a change of policy, in my judgment, and therefore it is a sense-of-the-Senate resolution seeking the President's concurrence in that policy.

I ask unanimous consent that the Senator from Kentucky be recognized for 5 minutes and, following that, we vote on the amendment of Senator DURBIN; and I ask that it be in order to ask for the yeas and nays on my motion to table the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I do not object, I wonder if the Senator would mind having the vote on my amendment as the first vote. It would occur 5 minutes after the Senator from Kentucky.

Mr. STEVENS. I am willing to reverse that order. I modify the request and ask that the Senator from Kentucky speak for 5 minutes, and following that the vote on Senator BYRD's amendment, and following that there be a vote that would occur, with a limitation of 10 minutes, on my motion to table the Durbin amendment. Following the Durbin amendment, we will be walking down the hall to go over to a joint session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object. There would be no second-degree amendments in order, right?

Mr. STEVENS. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the yeas and nays are ordered on the motion to table the Durbin amendment.

Mr. STEVENS. Have the yeas and nays on Senator BYRD's amendment been ordered?

The PRESIDING OFFICER. No.

Mr. STEVENS. I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we have witnessed a parade of Democrats coming to the floor to lob accusations against the President about the war in Iraq. Ostensibly, they are concerned about a potentially mistaken piece of intelligence regarding Iraq's efforts to procure uranium from abroad. In their zeal to score political points, they have sacrificed the national interest on the altar of partisan politics and are making accusations that are grossly offensive against the President and those of us who believe—and continue to believe—that our liberation of Iraq was the right thing to do.

Senator CONRAD, only hours ago, said:

This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16



words in the State of the Union. It is far more serious than that.

Mr. President, that charge is stunning. It is an accusation that all of us who voted for the war, who viewed classified intelligence about Iraq and who believe this war was just, should repudiate. Perhaps the Senator should tell the family of the Kurdish woman and her child that Saddam Hussein didn't have weapons of mass destruction and that we were wrong to have liberated his oppressed people. They will not be so sanguine as these Senators, because she and hundreds of fellow villagers were murdered in a gas attack ordered by Saddam Hussein. This attack occurred in 1987. She won't be able to defend this because she is deceased as a result of an attack using weapons of mass destruction.

There were two victims of the town of Halabja, where some 5,000 died from a chemical attack in 1987. And 3,000 died that year from a similar chemical attack in Sumar. Another 5,000 died from mustard gas in Al Basrah also in that year. In fact, there are documented 10 different occasions upon which Saddam Hussein used chemical weapons against his own people.

So it is not in doubt that Iraq was using weapons of mass destruction. No one has doubted that Iraq had weapons of mass destruction. I don't doubt we will find further evidence of weapons of mass destruction in Iraq. The French didn't doubt it; the Germans didn't doubt it; the Russians don't doubt it; the U.N. weapons inspectors never claimed Iraq did not have weapons of mass destruction. There may have been a dispute over the best way to uncover and dispose of these weapons, but no responsible expert—I repeat, no responsible expert—said Iraq doesn't have a weapons-of-mass-destruction program. No one said that, Mr. President.

No responsible country confirmed that Iraq didn't have a weapons-of-mass-destruction program, because it was glaringly apparent that Saddam was vigorously committed to obtaining and maintaining an arsenal of chemical, biological and, yes, nuclear weapons.

That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, which declared that Iraq failed to account for weapons of mass destruction that it previously admitted having stockpiled. That is why Saddam Hussein never let inspectors have unfettered and free access to the suspect sites. Why would he have done all of that had he not had weapons of mass destruction? That is why he led inspectors on a wild goose chase through the Iraqi desert for 12 long years. That is why he buried research facilities, why he intimidated scientists, why he removed the tongues of those who questioned his regime. That is why he built the mobile biological weapons labs we uncovered in the Iraqi desert. He did all of those

things because he had weapons of mass destruction.

It is amazing that the very individuals who were willing to give U.N. inspectors up to 12 years to conduct these "Keystone Cops" inspections are now unwilling to give the United States military 10 weeks—not 12 years, but 10 weeks—to search for weapons of mass destruction while simultaneously hunting Baath party loyalists and restoring order to a nation wrecked by decades of misrule.

There are thousands of suspect sites capable of producing weapons of mass destruction and weapons-of-mass-destruction components. There are millions of places in which weapons of mass destruction could be hidden.

I am confident, the President is confident, the Secretary of State is confident, and the Secretary of Defense is confident that evidence of Hussein's WMD programs will be found. But keep in mind that Iraq is a country the size of California, and that for more than a decade Hussein and his cronies perfected the art of concealment. Still we have already found mobile biological weapons—already found—mobile biological weapons, various centrifuges to process uranium, and shells specifically designated to hold chemical weapons. The programs are there and we will find them.

I thank the chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Defense appropriations bill following the statement of the right honorable Mr. Blair, the Senator from West Virginia be recognized to offer another amendment.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, may I make an inquiry of the distinguished Senator from Alaska? The Senator is prepared to accept my amendment, and the Senate will vote on it. Does he think that amendment will have any impact on the procedures? Does he think that will result in any change in the procedures which we have been experiencing heretofore? It is a sense-of-the-senate resolution but, in his opinion, may we expect to see it carried out?

Mr. STEVENS. Respectfully, that is sort of asking me the same thing as the contingency question. I am prepared to argue with the Office of Management and Budget and the White House that the procedures should be changed. After the initiation of war Congress should have estimates, as indicated by the Senator's amendment. Therefore, I support it. Whether we will be successful, God knows.

This is a 15-minute rollcall vote and will be followed by a 10-minute rollcall vote on the Durbin amendment. I urge Members to vote promptly so we may leave the body at 3:40 p.m. to listen to Mr. Blair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take 1 minute.

I thank the distinguished chairman of the committee for his courtesies and for the cooperation he has given. He has sought to get action by the Senate on various and sundry amendments. He has tried to move the bill forward, and he has lived up to what I think is the reputation of not only fairness but also of integrity. I am thankful to him for accepting this amendment.

I was interested in his response to my question a moment ago. I believe he means what he says, and I hope he will join me in urging the Office of Management and Budget and the White House to live up to the intent, the spirit of this amendment whether it is the current administration or a following administration, which may be Democratic or Republican.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1281 offered by the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 286 Leg.]

#### YEAS—81

Akaka	Dodd	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (SC)	Pryor
Burns	Grassley	Reed
Byrd	Gregg	Reid
Campbell	Hagel	Roberts
Cantwell	Harkin	Rockefeller
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Lautenberg	Talent
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lincoln	Wyden

#### NAYS—15

Bennett	Cornyn	Dole
Brownback	Craig	Enzi
Bunning	Crapo	Hutchison

Inhofe Santorum Sununu  
Kyl Sessions Thomas

NOT VOTING—4

Graham (FL) Lieberman  
Kerry Miller

NOT VOTING—4

Graham (FL) Lieberman  
Kerry Miller

The motion was agreed to.

The amendment (No. 1281) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that after the next vote, which we are going to go ahead and do now, and we want to encourage everybody to come and vote as soon as possible, that after the next vote is completed, the Senate will stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1277

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Durbin amendment No. 1277. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—62

Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Bayh	Domenici	Murkowski
Bennett	Dorgan	Nelson (NE)
Biden	Edwards	Nickles
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Fitzgerald	Sessions
Burns	Frist	Shelby
Campbell	Graham (SC)	Smith
Carper	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stabenow
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Inouye	Thomas
Cornyn	Kyl	Volnovich
Craig	Lincoln	Warner
Crapo	Lott	

NAYS—34

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Pryor
Breaux	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Clinton	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Durbin	Levin	

# JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE RIGHT HONORABLE TONY BLAIR

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:48 p.m., took a recess, subject to the call of the Chair, and the Senate, preceded by RICHARD B. CHENEY, Vice President of the United States, William H. Pickle, Sergeant at Arms, and Emily Reynolds, Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address delivered by the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

(For the address delivered by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland see today's proceedings in the House of Representatives.)

At 4:40 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. CORNYN).

## MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until the hour of 5 p.m., with Senators permitted to speak therein for not to exceed 1 minute each to comment on the historic speech we have just heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Idaho since his State was mentioned.

The PRESIDING OFFICER. The Senator from Idaho.

## CONGRATULATING PRIME MINISTER TONY BLAIR

Mr. CRAIG. Mr. President, fellow Senators, I think today we watched a piece of history made on the floor of the U.S. House in a joint meeting when Tony Blair, the Prime Minister of Great Britain and Northern Ireland, spoke to us. Not only was it a brave and proud speech, but it was a speech of neighbor to neighbor, friend to friend, as truly Great Britain has become over the years and Tony Blair has become during this period of joint effort in Iraq.

In that speech, he mentioned places out West: Idaho and Nevada. Prime Minister Blair, Idahoans invite you to come visit, to come and meet us. We are a great people, a part of this great country of which we are so proud. And, yes, there are Idahoans who question

our outreach in foreign policy and scratch their heads and say: Why now? But there are many of us who recognize the leadership role that we play that you challenged us to today.

So on behalf of all of Idaho—our Governor and the congressional delegation of our State—Prime Minister Blair, come see us, come visit us. You will find that we are a people who stand with you in your call to the world for leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand why the Senator from Idaho said that, but I would encourage the Senator to read a little book called "Coming into the Country" by McPhee. That is a book about a place in Alaska where people live who the British leader says he thinks he wants to talk to—in the wilds of Alaska, in the great frontier of America.

The British leader thought he was going to the wilderness when he talked about Idaho. If he wants to see the wilderness in this country, he has to go to Alaska today. That is where 77 percent of the federally declared wilderness exists.

Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the distinguished Senator.

Mr. President, I join my colleagues in commending the distinguished Prime Minister for his eloquent remarks in which I think he captured the essence of what all of us would like to see in the coming weeks and months and years; that is, a joint coalition of peaceful, liberty-loving nations to address the scourge of terrorism. I think he properly described what needs to be done by leaders of this Nation and others around the globe if we are going to succeed in that effort.

It was also wonderful to hear the English language spoken with such eloquence. It was refreshing not to see a teleprompter, I might add, and to hear a political leader with a sense of humor, a sense of commitment and passion, and a deep sense of understanding of the values that our two nations have shared—and, as he properly described, not Western values but human values of freedom-loving peoples everywhere.

I join my colleague from Alaska, and others, in thanking the Prime Minister for his eloquence, for his commitment, for his friendship, and for his loyalty. I look forward to a continuing relationship with this remarkable leader.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have never heard a speech that better charted the values of free peoples—not only of free peoples in our country but I think free peoples all over the world. I have never heard a speech that was as incredibly positive as this speech, that

called on everyone to rise to their best value, to stand to their best commitment, and to perform as free-loving peoples should everywhere.

On a scale of 1 to 10, Mr. President, that speech, in my book, was a 10. I have never heard better. And I have never seen a course charted that is sounder, truer, or can redound in better benefits for freedom-loving people.

I salute Tony Blair, the distinguished Prime Minister of the United Kingdom.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I join with my colleagues in commending the Prime Minister of Great Britain, Tony Blair, for his outstanding, articulate, and insightful remarks.

While we worry sometimes on minutia, he brought back the international global perspective while we are in the midst of a war against terrorism.

These were historic remarks that I think got us, as Americans, renovated, invigorated, and re-resolved in this war on terror. He also served, I think for us as Americans and the United States, as a bridge to our friends in Europe. While most of them were with us in this most recent conflict in Iraq, some were not. But there are so many of those shared values that bring us together. Indeed, Prime Minister Blair brought those forward. While in some areas the Germans and the French are helping, we want others to join in the United Nations and NATO.

I would say the most important things the Prime Minister mentioned were not that we have shared interests in trade or shared interests in security but that we have a shared love of individual liberty.

And if Thomas Jefferson—not a very well-loved person, I am sure, in Great Britain—were on that floor of the House just a moment ago, he would have said: Well done, Mr. Prime Minister. Those are good, sound Jeffersonian principles that he advocated.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise very briefly to state the obvious and what everyone else has stated. The Prime Minister made a remarkable speech today. We should listen to our friends. I took away much of what others did as well, but I took away one very important message we heard from a friend; that is, don't give up on Europe, that France and Germany are our friends.

By reference, Mr. Kagan and those who believe Europe is an anachronism and is an "Old Europe" are dead wrong, and that if Europe and the United States stand together, the world will stand with us. If Europe and the United States are divided, the world will be divided. It is that basic.

I hope everyone listened to not only the rhetoric but to the substance of his message. The substance of his message: The neo-conservative notion that Europe is no longer an asset, that Europe

no longer shares our values, will be the very thing that will undo this great country of ours. We are united. We are together. We have to work on it. And if we stand together, the world will stand with us.

For that, I thank the Prime Minister for delivering his message and reminding us, his friends, of how valuable that alliance is. There is none more valuable.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I echo the comments of the senior Senator from Delaware and recognize his expertise as a former chairman of the Foreign Relations Committee and assure him that I took the same message he did, that Tony Blair is trying to remind us all of that which we instinctively know: the importance of friends.

I took great pleasure in the fact that he cited America's history in establishing friends and, indeed, spoke a little bit against his own history when he talked about empires that sought for land or territory or power but that the Americans seek only to export liberty to those places where it has not yet taken hold. And that is the cause around which the entire world must repair.

I would add one other thought to the thoughts that have been made. I agree with the Senator from California that was the best explanation she has ever heard in a speech. And I must add, not only is it the best one that I have ever heard, that includes speeches I have given, which, for a politician, is a tough thing to have to admit.

I was struck by his comment that I think should resonate throughout the current debate, and that is the debate over Iraq, the motivations for going into Iraq, the prelude that built up to the decision in Iraq; that is, when he said, as best I can recall: If we were wrong, all we have done is free a people from a horrible tyrant and brought freedom to millions, and history will forgive us that error. But if we were right, history would not forgive us for hesitating, if we had done so.

I think while he was not injecting himself into the debate here in America at the time, that summary is the best I have heard of the way we should be conducting our examination of the decision to go forward in Iraq. If, in fact, the decision was built on some flawed assumptions, the results of the decision are still worth it.

But if the assumptions turn out not to have been flawed and we discover, in fact, that things were as we had anticipated, I agree with the Prime Minister that history would treat us very badly if we had walked away from that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I associate myself with the remarks that have gone on before. It was a truly inspiring speech. I think there is a little bit of irony to the fact that we have a Brit inspire us on freedom and liberty. That

was the most inspiring speech I have heard since Margaret Thatcher did the same thing. They somehow have the ability to look into our past and explain our present and move us on into the future. I appreciate the fact that he was here and spoke and shared those words with us. It was awe inspiring.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. STEVENS. Parliamentary inquiry: Has the time expired?

The PRESIDING OFFICER. Five o'clock has arrived. The time for morning business has expired.

Mr. STEVENS. Does the Senator seek to speak in morning business?

Mr. ALEXANDER. I would like to speak for about 1 minute.

Mr. STEVENS. I ask unanimous consent that the Senator from Tennessee may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe Tony Blair taught us a lot about the world. I think he taught us more about ourselves. His speech was historic, but it will be remembered more because it reminded us of what it means to be an American. The assistant Democratic leader and I and other Senators have worked on legislation this year to put back into its rightful place in our schools the teaching of American history. I would suggest that in the first chapter of those textbooks we put Tony Blair's speech.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know that euphoria is here, and Tony Blair rendered a great speech. I thought it was tremendous. But I have to recall the speeches President Clinton gave. I can remember during those speeches that there were times when I didn't realize I was listening to a speech. President Reagan was really good. And Tony Blair, of course, was extremely good. I was so impressed when he did it without a teleprompter; he did it from his written speech. He was very impressive. When I met him an hour or so ago, I introduced myself and said I was a Senator from Nevada, Las Vegas and Reno. He said at that time he had always wanted to go to Nevada. And so when he was searching for a State to identify in his speech, I am glad he mentioned Nevada. I say to my friend from Idaho, who has invited him to Idaho, I certainly have no objection to the Prime Minister of Great Britain going to Idaho, but I am confident he will stop in Nevada as well.

Mr. STEVENS. Mr. President, someone told me they thought it was a nice thing to have conservatives applaud a liberal. Do you know, when I listened to Tony Blair, I didn't think about being conservative or liberal. I thought about the fact that here is a man who has had admitted difficulties in his own country but was willing to come on our stage and tell us he believes in American principles and he is willing to be a

partner with us. That is a sign of a great man. I think he is a great leader for the world as well as for Great Britain. I hope that people don't think of it as a speech of a liberal or even of a conservative. He was speaking to us as Americans and bringing out the best in us. I really am delighted that we gave him the opportunity to speak to us.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

Mr. STEVENS. Mr. President, we are awaiting an amendment to be offered. I hope Senators will come and bring their amendments.

Mr. REID. Would the Senator yield?

Mr. STEVENS. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished comanager of the bill, we are waiting for Senator BYRD to come and offer his two amendments, one dealing with adding some money to the bill, the other dealing with adding some money for AIDS, rearranging the bill, I should say.

The Senator from Delaware is considering offering an amendment and also the Senator from California, Mrs. FEINSTEIN, and Senator SCHUMER. I would say to those Senators or their staffs who are within the sound of my voice that Senator BYRD is not here. I am sure we could move forward on one of their amendments. I would recommend that they work their way to the floor or at least call the cloakroom so we can get them lined up to offer one of their amendments. There is really a down time here now.

I think it would be to everyone's advantage that we move forward on this most important bill. As has been indicated, we are going to certainly try to finish this bill tonight. It appears we can do so. We don't have a lot of amendments remaining.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1283

(Purpose: To rescind \$1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate \$1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria)

Mr. BYRD. Mr. President, I have an amendment which I shall send to the desk shortly.

This January, in his State of the Union Address, President Bush announced a 5-year, \$15 billion global AIDS initiative. The President received a lot of praise for that an-

nouncement, as he should have. AIDS is a dreadful disease which is currently inflicting an almost unimaginable toll on the African continent, devastating entire populations.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. According to UNAIDS—the Joint United Nations Program on HIV/AIDS—in 2002, there were 29.4 million people living with HIV and AIDS in sub-Saharan Africa. Africa has about 10 percent of the world's population but more than 70 percent of the worldwide total of infected people. In fact, the infection rate among adults is about 8.8 percent in Africa, compared with 1.2 percent worldwide.

More than 17 million Africans have died from AIDS since its emergence, and UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to the epidemic. The sheer brutality of these statistics is hard to fathom and must tug at the hearts and souls of all of us in this body.

AIDS' severe social and economic consequences are depriving Africa of skilled workers and teachers while reducing life expectancy by decades in some countries. An estimated 11 million children in Africa have been orphaned by AIDS—having literally watched their AIDS-inflicted parents slowly slip away before their eyes. These AIDS orphans are now facing increased risk of malnutrition and reduced prospects for education. AIDS is being blamed for declines in agricultural production in some nations, and is regarded as a major contributor to the famine threatening southern Africa. The United Nations Development Programme Annual Report for 2003 states that, "HIV/AIDS is a catastrophe for economic stability and may be the world's most serious development crisis."

For far too long, the world has turned a blind eye to the suffering on the African continent. Does the United States, as the wealthiest Nation on Earth, not have a special moral responsibility to act to alleviate some of the worldwide misery caused by AIDS? Americans have always been generous and caring people, and I have no doubt that they would expect their elected officials to rise to the occasion and take the lead in ridding the world of this horrid disease, wherever it takes root.

I am pleased by Congress' initial response to the President's call for action to combat the AIDS crisis in Africa—with passage of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. And I was encouraged that our President publicly touted the legislation's passage as a moral triumph.

However, I have seen far too many fancy White House bill signing ceremonies and dressed-up press releases in the last 2½ years to be entirely confident that this Administration would simply keep its promise to fully fund this legislation. Once the cameras stop

rolling and the headlines fade away, this administration seems to have established a troubling pattern of repeatedly making promises but failing to deliver the dollars needed to keep them. The drastically underfunded No Child Left Behind Act and the President's skimpy funding requests to meet our homeland security needs are perfect examples.

Last week, as President Bush visited five African countries, he again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, \$15 billion program to attack the disease in the world's poorest countries. I commend him for having gone to Africa, and for promoting greater efforts to fight AIDS.

He should be held to his commitment to those in Africa who are suffering from AIDS.

Clearly, an expectation has been created that the administration and Congress will provide \$3 billion toward this noble initiative in fiscal year 2004, as language explicitly authorizing that amount for fiscal year 2004 is spelled out in the new Global AIDS law that the President proudly signed.

Unfortunately, despite all the recent headlines, photo-ops, and White House promises regarding the African AIDS crisis, the simple fact remains that the President did not put enough money behind his promises, as he failed to include \$3 billion to fight AIDS in his fiscal year 2004 budget. That is right! He requested only \$1.9 billion, not the \$3 billion that the world now expects. That is \$1.1 billion less than what he promised.

Just last Thursday, Members of this body went on record, by a vote of 78-to-18, in support of a Sense of the Congress Resolution that stated our intent to provide full appropriations for the \$15 billion AIDS initiative touted by our President, including \$3 billion in fiscal year 2004.

The lives of millions worldwide are at stake. Now is the time to honor the financial commitment made by Congress and the President to combat Global AIDS. My amendment to the Defense Appropriations bill would do just that by allocating \$750 million in fiscal year 2004 to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally for the purpose of making a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria and \$350 million for the Secretary of Health and Human Services for programs to combat AIDS overseas. This amendment would be completely offset by a \$1.1 billion across-the-board cut in the amounts appropriated for the Department of Defense under Titles III and IV of this legislation for Procurement, as well as for Research, Development, Test and Evaluation.

The bill before the Senate includes \$73,976,000,000 in procurement spending,

an amount that is \$1,255,000,000 above the President's request. This bill also includes \$63,565,000,000 for research and development programs, a level that is \$1,738,000,000 above the President's request. Certainly, the Senate should be willing to reduce the current procurement and research funding by less than eight-tenths of 1 percent in order to fulfill the President's promise. It is his promise. He had pledged our Nation's help with one of the most dreaded and destructive scourges on the globe. But he is trying to shift the burden to Congress to make up the difference in the underfunded budget request. Congress should step up to this challenge and appropriate the money that we have already authorized by an overwhelming vote.

My amendment would allow us to fulfill the humanitarian promise made by our Government to fight the worst public health crisis that history has ever known with a total \$3 billion appropriation in fiscal year 2004.

This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

Mr. President, AIDS is a catastrophe for millions around the globe. What better message can we send than to reduce our behemoth military budget ever so slightly in order to keep our national word to help fight this dread disease. It is the right thing to do. It is the noble thing to do. Let's do it.

Mr. BYRD. Mr. President, I send to the desk an amendment. I ask unanimous consent that the following cosponsors be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE and Mr. BINGAMAN, proposes an amendment numbered 1283:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, \$1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of \$1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer \$750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer \$350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and

Prevention and the National Institutes of Health.

Mr. BYRD. Mr. President, the cosponsors are Senators CLINTON, PRYOR, LAUTENBERG, MURRAY, and CORZINE. I ask they be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, AIDS has been a matter of attention by our subcommittee since 1982. It was our subcommittee that initiated the first AIDS research with public funds that I know of in the world. That research is still going on by the Department of Defense. We were looking for some way to prevent the transmission of AIDS. I am sad to say we have not been successful.

In the period just prior to our bill in the eighties, I had listened to a lecture at the Cosmos Club where the lecturer had predicted we would witness AIDS becoming a plague—more than an epidemic; it actually would become a plague. That prediction has become too true, and the President has committed \$15 billion over a period of 3 years for our contributions to the AIDS program.

We have in our budget so far total spending of \$2.4 billion that is directed to global AIDS spending. I am trying to get the total figures. I think we have over another \$2 billion in our total budget directed toward AIDS spending.

It is true that money is going to agencies other than USAID, but in foreign operations, there is \$1.5 billion, and Labor, Health and Human Services has \$683 million.

My point is, we have an enormous amount of money in the bill before us already for AIDS spending. I am compelled to oppose the Senator's amendment because it transfers from defense procurement and research and development programs to another bill, the Health and Human Services bill and the Agency for International Development, which is in a third bill, the State-Justice-Commerce bill, portions of money allocated by our committee to those two other subcommittees. In effect, Senator BYRD's amendment would transfer from the Defense Department to the Department of Health and Human Services and the Department of State \$1.1 billion.

I have to oppose this amendment in the first place because I believe we have already met the commitment of the President. There is no reason I know of to accelerate that and provide more than the \$3 billion. We have already committed to—as a matter of fact, because of the request initially, I believe we have in excess of \$4 billion in this budget available to us for AIDS already.

The fund the Senator from West Virginia would take the money from is for the modernization of our aircraft. We are trying to modernize this force. We need to replace aging C-130s and the aging C-46 helicopters. We have an

enormous number of vehicles and aircraft that have to be replaced because of the damage they have suffered from activities in Afghanistan and Iraq.

The modernization funding in this account is also for the National Guard and Reserve. We all have some real concern over the amount of money that is already available for those activities. Bluntly, I do not think we can afford to take \$1.1 billion out of defense and put it into the Department of State and the Department of Health and Human Services, or Education—wherever it goes—at this time.

We are going to lose a sizable number of the weapons systems we would otherwise modernize or replace with this \$1 billion. I call attention particularly to the fact that despite the authorization and request of the President, we were unable to fund the F-18 fighter the administration seeks to procure. We are unable to fund the total amount of F-22s. We have reduced the number of ships in the Virginia class from seven to five. I am already mentally confused over why we have to be so constricted, but that was the problem in the overall budget. We already have taken \$3.1 billion out of the Defense budget and spread it through the non-defense budgets in order to meet the objections that were raised by so many Senators to the allocations we initially intended to make without that \$3.1 billion. This would make it \$4.2 billion out of Defense.

I say to my friend from West Virginia, we just cannot do that. There is no way we can take any more money out of the funds we have set aside to replace the aging fighters, helicopters, and the equipment that was damaged or destroyed in Iraq and Afghanistan.

We do have a letter from Dr. O'Neill, the Director of Office of National AIDS Policy. He says this:

By careful design, the President's 2004 budget request is for \$2 billion—

On this set-aside fund. As I said, our accounting is that set-aside fund for global activities is \$2.241 billion.

In any event, to continue Mr. O'Neill's letter, he said:

This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long-term success of this initiative.

He stated in another paragraph, and I am pulling sentences out of this letter:

For the reasons stated above, the administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY 2004 budget.

I ask unanimous consent that the letter be printed in the RECORD in full after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Prior to the President's initiative, the total for AIDS

was \$1.2 billion. It is my judgment, because of the amount of money we are spending in all the other agencies to increase our knowledge and ability to deal with AIDS, that this is a proper amount of money. We have the commitment that this money will increase as we get more and more people trained.

We listened to the Secretary of State the other morning tell us about the problem we have in finding people to train and help with the medical problems of the people we are dealing with in terms of AIDS throughout Africa in particular. I thought it was a very

moving response he gave to the questions about AIDS.

Very clearly, right now there are two issues in the amendment of the Senator. First, I believe we have met the initial year's objective for the President's global initiative on AIDS. I believe we have an overwhelming amount of money in the total bills before the Congress this year, all 13 appropriations bills, on AIDS. Further, the way the Senator from West Virginia wants to offset this amount, in my judgment, will bring great harm to the area of modernization of our aging equipment and the replacement of the equipment

that has been damaged and destroyed by war.

So I am forced to say to the Senator from West Virginia that I am compelled to make a motion to table his amendment at an appropriate time. I certainly do not want to do that before my friend has had a chance to make any comments he wants to make about my comments.

I ask unanimous consent that the schedule of the projection of spending for global AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### U.S.G. CONTRIBUTIONS TO GLOBAL HIV/AIDS SPENDING

(Dollars in millions)

USG appropriations	FY 2004 budget	FY 2005 budget	FY 2006 budget	FY 2007 budget	FY 2008 budget	Total FY 2004–2008
Base Bilateral Spending .....	\$970	\$970	\$970	\$970	\$970	\$4,850
Global Fund .....	200	200	200	200	200	1,000
Mother to Child Initiative <sup>1</sup> .....	300	n/a	n/a	n/a	n/a	300
Emergency Plan for AIDS Relief .....	450	1,250	1,800	2,400	2,600	8,500
TB and Malaria .....	120	120	120	120	120	600
<b>Total HIV/AIDS Spending .....</b>	<b>2,040</b>	<b>2,540</b>	<b>3,090</b>	<b>3,690</b>	<b>3,890</b>	<b>15,250</b>

<sup>1</sup> Beginning in FY2005, funding for the Mother to Child Initiative is part of the Emergency Plan.

Mr. STEVENS. It shows in 2004, \$2.040 billion; in 2005, there is \$2.540 billion; in 2006, there is \$3.090 billion; in 2007, \$3.690 billion; in 2008, \$3.890 billion. In all, the total is \$15.250 billion over the 5-year period. This is a commitment that we will keep.

I think it is wise to start this program on a sound basis. This summary I have had prepared shows all treatment

of AIDS and all of our programs other than defense.

The last chart I want to put in the RECORD shows zero for defense, as far as AIDS is concerned. In the lump sum we have for medical research, I know there is a sum of money that continues to be spent in pursuing the research base for a way to prevent transmission of AIDS, to develop a vaccine for AIDS.

That is not disclosed on this, so there is actually more than this in the total amount for the bill.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Program	FY'03 appropria- tion	FY'04 budget re- quest	FY'04 rec- ommenda- tion???—de- pendent on allo- cation
<b>Subcommittee—Foreign Operations:</b>			
Child Survival Assistance for bilateral programs .....	591,500,000	650,000,000	685,000,000
Child Survival Assistance for Global Fund .....	250,000,000	100,000,000	300,000,000
Other Economic Assistance .....	38,500,000	40,000,000	50,000,000
Bilateral Malaria & AIDS .....	105,000,000	105,000,000	105,000,000
State Department Global AIDS Initiative .....	0	450,000,000	450,000,000
Other .....	2,000,000	1,500,000	1,500,000
<b>Total Foreign Operations .....</b>	<b>987,000,000</b>	<b>1,346,500,000</b>	<b>1,591,500,000</b>
<b>Subcommittee—Labor-HHS:</b>			
CDC Global AIDS program .....	142,569,000	143,763,000	142,569,000
CDC Mother to Child Transmission .....	40,000,000	150,000,000	90,000,000
CDC International Applied Prevention Research .....	11,000,000	11,000,000	11,000,000
NIH International Research .....	252,300,000	274,700,000	274,700,000
DOL AIDS in the workplace .....	10,000,000	0	0
Global Fund Contribution from NIH .....	100,000,000	100,000,000	150,000,000
CDC Malaria & Tuberculosis .....	15,000,000	15,000,000	15,000,000
<b>Total Labor-HHS .....</b>	<b>570,869,000</b>	<b>694,463,000</b>	<b>683,269,000</b>
<b>Subcommittee—Defense:</b>			
DOD HIV/AIDS education w/African Armed Forces .....	7,000,000	0	0
<b>Subcommittee—Agriculture:</b>			
Section 416(b) Food Aid .....	25,000,000	0	0
<b>Total—All Subcommittees .....</b>	<b>1,589,869,000</b>	<b>2,040,963,000</b>	<b>2,274,769,000</b>

Mr. STEVENS. Does the Senator from West Virginia wish to make an additional statement before I make a motion to table?

Mr. BYRD. Yes, I do, and there are other Senators who wish to speak on this.

Has the Senator yielded the floor?

Mr. STEVENS. Yes, I have.

#### EXHIBIT 1

THE WHITE HOUSE,  
Washington, July 17, 2003.

Hon. BILL FRIST,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, includ-

ing \$200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing \$15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed

the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for \$2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure based needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

DR. JOSEPH F. O'NEILL,

*Director, Office of National AIDS Policy.*

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is ample precedent for across-the-board cuts in the Defense bill. In fact, the language is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. Even with these cuts, the procurement, research, and development accounts remain \$2 billion above the President's request and \$6.7 billion above fiscal year 2003. So the procurement, research, and development accounts are robustly funded.

This amendment provides the funds called for in the 78-to-18 vote last week on the State Department authorization which called for \$3 billion.

I understand Senator HARKIN wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong support of the amendment offered by Senator BYRD. This amendment fulfills a promise we made to the entire world to fund the global AIDS initiative. When I say "we," I mean all of us—the Congress and the President of the United States. President Bush made this promise to fund the global AIDS initiative at \$15 billion, \$3 billion per year for 5 years, in his State of the Union Address last January. I was there. I remember when he said it.

I remember after the President made that commitment, everyone—Republicans and Democrats, House Members and Senators—all stood and gave him a prolonged standing applause for that commitment. The President even signed a bill authorizing this money. We passed a bill saying, yes, we authorize it.

Recently, the President has traveled through Africa restating this commitment, and I was quite taken by the President's words in Africa saying we were going to meet our commitment and we would provide the \$3 billion this year. Yet the President neglected to include this full funding in his budget for this initiative. Rather than calling for \$3 billion in 2004 that was promised and authorized, the President's budget calls for a mere \$1.9 billion, falling far short of the promises he made and we made.

Yet the President is in Africa saying we are going to provide \$3 billion. Basically, I think he said we have provided \$3 billion. That is what is authorized. We know around here you can authorize anything but until the Appropriations Committee appropriates the money it is meaningless.

Here is the President saying we came up with the \$3 billion to fight AIDS in Africa, the African leaders applaud him, thanking him for that, and yet he only put \$1.9 billion in the budget.

Millions of people experience pain and suffering caused by the AIDS epidemic. People around the world are being robbed of healthy and productive lives. This epidemic is ravaging families, communities, and economies across the globe, nowhere more so than in Africa. The United States has a responsibility to fulfill the promise we made.

The amendment offered by the Senator from West Virginia would uphold our commitment, our promise, to fight the AIDS epidemic and our promise to adequately fund the initiative. This amendment offered by Senator BYRD provides the full \$3 billion for 2004, the full \$3 billion that the President was taking credit for and touting in his recent trip to Africa. This would be offset by taking the \$1.1 billion from the amounts appropriated for the Defense Department procurement and research account. The amendment by Senator BYRD would add to the \$1.9 billion the amount of \$1.1 billion to bring it to the \$3 billion level promised by President Bush on his recent trip to Africa.

Let me be clear: This money is not coming out of the salaries of our troops or the support for our troops. It is not coming out of our work in Afghanistan. This money comes from two titles of the Defense appropriations bill that include \$1.25 billion more than the President's budget request.

We are spending in this bill about \$1 billion a day for the Armed Forces, for defense. There is no excuse to deny the AIDS initiative that we promised, the President promised, the President touted so earnestly on his trip through Africa. There is no excuse to deny the \$1.1 billion more a year to bring it to the \$3 billion level.

Again, sometimes I am sure people wonder about what we are doing. The average American probably does not understand the difference between an authorization and appropriation. What is the difference? That is where the confusion is.

Last week the Senate overwhelmingly voted 78 to 18 in support of a sense-of-the-Senate resolution stating that the global AIDS initiative should be fully funded. That means we should fund it at the \$3 billion level.

Now the Senate needs to put its money where its mouth is. This is the amendment by which we can do it. It does not detract anything from our troops. It comes out of an account that is even \$1.25 billion more than the President's budget request.

We all just returned from a joint session of Congress and we listened to Prime Minister Tony Blair speak. I thought it was a fine speech; maybe even more than that. I thought it was a very good speech in all of its aspects. But there was one aspect that pertains to what this amendment is about. Prime Minister Blair said at one point in his speech that we cannot—we, being the United States—walk away from our other commitments in the world aside from national security. He mentioned specifically the AIDS catastrophe that is happening throughout Africa. He said we have to meet our commitments and our responsibilities there, and he got a standing ovation for that.

It is nice to give standing ovations to the Prime Minister of Great Britain when he says we should meet our responsibilities to meet the AIDS crisis. It is nice to vote for a sense-of-the-Senate resolution that says we should fully fund it. It is nice to even vote for the authorizing bill authorizing we fully fund it.

But there is another thing that Prime Minister Blair said that I thought was worth noting. I am paraphrasing because I don't have the speech; I am just remembering it. He said something about our reputation, about making sure we stood strong for what we believed in and that we stand up to what we have committed to. If we do not, then what is the rest of the world going to think? They will think, OK, that is what the United States says but the only thing the United States ever backs up is military action. I hope it does not boil down to that, that the only thing we ever back up in terms of commitments is a military commitment. We ought to look upon the other commitments in the same light. Once we make the commitment and we make the promise, we fulfill it and we keep it. This is one that compels us to give an overwhelming vote to the amendment offered by Senator BYRD. This is the amendment that does it.

I know there will be arguments saying we cannot take it out of defense. As I pointed out, it comes out of an account that is \$1.25 billion more than what the President even requested.

Now is the time to stand up and be counted. Now is the time to back up our reputation for being a caring nation and for being a nation that stands behind its word. We gave our word. The President, 2 weeks ago, gave his word in Africa for \$3 billion and yet we have



only come up with \$1.9 billion. Now is the time to come up with the full \$3 billion.

Mr. STEVENS. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. STEVENS. Does the Senator have a quote that the President would spend \$3 billion?

Mr. HARKIN. I don't have the quote but I will get it for you in a short amount of time. The President, if I remember right, said in Africa that we have—again, I am paraphrasing; I don't know if I have the right word—but we have pledged \$3 billion this year to fight AIDS in Africa. He said that in Africa.

Mr. STEVENS. I would like to see that. I would be happy to see that quote.

I don't want to interrupt the Senator.

Mr. HARKIN. I will get my staff to run it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President I will speak for a very few minutes on this same issue and indicate my strong support for the amendment Senator BYRD has offered.

As my colleague, Senator HARKIN, indicated, I strongly support this amendment. I believe this is the obvious follow-on to the vote we had last week where 78 Members of the Senate agreed when appropriations bills did come to the Senate we would vote to fully appropriate the funds that were authorized in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. That was legislation we passed earlier this year that I strongly supported. It did provide \$15 billion worth of funds. It authorized \$15 billion worth of funding for this purpose. It was a follow-on to the President's State of the Union speech.

In the State of the Union speech, the President committed this country to this initiative. I strongly supported it. Then, as a follow-on to that State of the Union speech, we passed the authorizing legislation which, as I understood it, said we will appropriate \$3 billion a year for 5 years in order to fight this terrible epidemic of infectious disease we see around the world.

From my perspective, the question is whether we consider this to be an urgent problem. If we do consider it to be an urgent problem, then I think the funding that was laid out in that authorization bill is the right funding. I was surprised to hear the quotations from the letter Dr. O'Neill has sent on behalf of the administration indicating the administration does not want \$3 billion this first year, 2004. It does not want \$3 billion the second year, 2005. And only in the later years is the administration going to be requesting \$3 billion or more in order to make up the full \$15 billion.

That would be an appropriate approach to a problem that is not urgent.

That would be an appropriate approach to a problem we can just as well deal with 3 years from now as today. But this issue is not that type of problem. This is an urgent problem. Accordingly, I think it is entirely appropriate that we try to fund this AIDS initiative the way it was designed in the authorizing legislation, the way the President signed off on it in the authorizing legislation, and the way I thought all of us had agreed to proceed with it.

The statistics are devastating. We have gone through those to great lengths here, the number of teachers who are being lost because of HIV/AIDS, the number of people who are going untreated with HIV/AIDS in Africa because of lack of resources. The global AIDS fund is desperately in need of additional resources. We have committed \$200 million rather than the full \$1 billion that was anticipated we would commit this year.

We can, obviously, fall back on a 5-year plan and say: Look, we never did intend to give you \$3 billion the first couple of years. We are sorry if you misunderstood us. But the truth is most Members of Congress and I think most Members of the Senate—I certainly can speak for myself. When I voted for the authorizing legislation, I assumed we were going to appropriate the funds we were authorizing in that bill on that schedule in order to get to the \$15 billion. That was my assumption.

I can understand the reluctance to take any funds out of the defense budgets. I have supported defense budgets virtually every year since I have been in the Senate. I intend to support the budget again this year. But this is a very small amount. This is funding which can readily be replaced in a supplemental. There will be a defense supplemental down the road. We have all talked about that. Most of the discussion in the last 2 days is how we have the defense supplemental coming. We have already passed one this year. We will have another one next year. This is a very appropriate place for us to identify some funds we can use for this urgent need.

In its January 2000 report, The Global Infectious Disease Threat and Its Implications for the United States, the CIA noted that over the next 20 years HIV/AIDS and associated diseases in sub-Saharan Africa would:

... kill up to a quarter of their populations ... (and) this will further impoverish the poor ... and produce a huge and impoverished orphan cohort unable to cope and vulnerable to exploitation and radicalization.

The estimate predicted increased political instability and slower democratic development as a result of AIDS.

According to the World Bank:

The illness and impending death of up to 25 percent of all adults in some countries will have an enormous impact on national productivity and earnings. Labor productivity is likely to drop, the benefits of education will be lost, and resources that would have been

used for investments will be used for health care, orphan care, and funerals. Savings rates will decline, and the loss of human capital will affect production and the quality of life for years to come.

More than 30 percent of teachers are HIV positive in parts of Malawi and Uganda, 20 percent in Zambia, and 12 percent in South Africa. AIDS is killing people at middle and upper levels of management in both business and government; the trained personnel to replace them are not available.

Without a workforce, there is no productivity. Without productivity, a country's economy quickly deteriorates and the government collapses into chaos. All too often, terrorism and fanaticism springs forth from this chaos and begin to spread outwards from its birthplace, inflicting damage and destruction on other countries.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

AIDS has serious implications for issues of security in Africa, since HIV infection rates in many armies is extremely high. Domestic political stability is threatened when security forces become unable to perform their duties due to AIDS. Peacekeeping efforts on the part of more stable African nations are at risk as well as rates of infection among the peacekeeping troops grow. While he was in Nigeria last week, President Bush said:

We will not allow terrorists to threaten African peoples or to use Africa as a base to threaten the world.

If we underfund the efforts to fight HIV/AIDS and its associated disease, we will be allowing just that.

The HIV/AIDS, TB, and malaria pandemic in Africa is an international emergency. While visiting Botswana last week, President Bush declared:

This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

Congress conveyed the same message last week in passing an amendment that asserted its belief that nothing short of full funding for HIV/AIDS, TB, and malaria should be appropriated. The Byrd amendment allows us to do just that, and to do so without cutting vital services to other international health programs. The funding to do this would result from a .079 percent cut for all programs and activities within Title III and Title IV. These two Titles are receiving \$3 billion more in funding than President Bush requested in his budget for fiscal year 2004. The Byrd amendment allows full funding for international HIV/AIDS, TB, and malaria programs. It allows the promise made to be a promise kept. I urge my colleagues to support this amendment.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

I hope very much we can support the amendment of Senator BYRD. I hope it will get the same 78 votes we got for the sense-of-the-Congress resolution last week when we talked about whether we were going to appropriate money on the same schedule and at the same level we had authorized money in the earlier legislation this year.

I commend the Senator from West Virginia for his amendment. I will certainly support it and I urge my colleagues to do so as well.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of Senator BYRD's amendment which I have co-sponsored.

The Senate worked hard and passed the Global AIDS Initiative back in May. At the President's request, this bipartisan authorization bill calls for \$15 billion to help fight the spread of HIV and AIDS in Africa. The bill authorized \$3 billion for this fight this year. This money is desperately needed.

Approximately 29 million people, including 10 million people between the ages of 15 to 24 and 3 million children under the age of 15, are currently living with HIV/AIDS worldwide. The future spread of this epidemic depends in large measure on whether the world will accurately teach young people how to protect against contracting HIV and AIDS.

Yesterday, I learned something very disturbing. The White House sent a letter to Congress asking to limit funding to \$2 billion. That is \$1 billion short.

I don't understand why President Bush, who has talked about his commitment to help fight AIDS in Africa over and over again, would ask for less money.

We must back up our promises with real action, not phony rhetoric.

Successful, proven programs for prevention, care, and treatment do exist but they are still small in scale, with many programs starved for resources. At least \$9.2 billion is needed to mount a response to the AIDS crisis according to UNAIDS.

Current global spending to address the crisis is far below this, at about \$1 to \$2 billion.

A fair contribution by the U.S. Government to the global HIV/AIDS response would be between \$2.75 and \$3 billion given our share of the global economy, close to 30 percent. The United States is spending just over \$500 million on global HIV/AIDS this year; and now President Bush is asking Congress to appropriate \$1 billion less than it authorized for next year.

The tragic impact of the AIDS epidemic is undeniable. One in every three adults in Africa is living with HIV/AIDS. Across the world, each year, 800,000 infants contract HIV before or during birth. Ninety percent of these HIV-infected babies are in sub-Saharan Africa.

The global AIDS bill has the power to save lives through a combination of prevention and treatment. But in order to be effective, we must provide the necessary resources.

In a speech last week during his trip to Botswana the President pledged that the U.S. would be a partner in the battle against a disease that has already killed more than 17 million in sub-Saharan Africa, and talked of his proposal to spend \$15 billion over 5 years to help the hardest-hit African and Caribbean nations battle AIDS. That means Congress should be spending \$3 billion a year. Now the President's own person—the Director of the Office of National AIDS Policy—is asking for \$1 billion less. The message this sends to the world is discouraging.

A failure to provide full funding is a setback that will cost lives. I urge the Senate to support Senator BYRD's amendment.

Mr. LEAHY. Mr. President, I support this amendment of my friend, the distinguished senior Senator from West Virginia.

A couple of months ago, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis, the worst public health threat in human history. I commend him for that, and for going to Africa, which highlighted the devastation caused by AIDS there.

President Bush has shown real leadership on AIDS, although it is important to mention that a bipartisan group in Congress has been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized \$15 billion over 5 years to combat AIDS, tuberculosis and malaria. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take the AIDS pandemic seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing the check with out enough money in the bank.

Let me explain. The President's budget request contains only \$1.9 billion of the \$3 billion we authorized for AIDS for fiscal year 2004. \$1.9 billion is a good step, but we should do more. It remains to be seen whether the promise of that authorization bill—a promise with which I agree—will be fulfilled.

The amendment of the Senator from West Virginia is the first real test of that.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to \$1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For fiscal year 2004, the President has only budgeted \$200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of \$150 million from what was appropriated last year.

There is another problem. While the President's fiscal year 2004 budget for Foreign Operations includes approximately \$1.3 billion to combat HIV/AIDS, it robs Peter to pay Paul to pay for increases in HIV/AIDS programs, as the President's budget would cut other essential international health programs from 5 to 63 percent.

Child survival and maternal health programs are cut by 12 percent. These are the programs that provide life-saving child immunizations. They also help to reduce the 600,000 pregnancy-related deaths each year that could be avoided. Instead, the President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles. Measles kills 1 million children—not 100,000 or 200,000—but 1 million children a year. Again, this is something which is easily preventable. Every one of us can just go to the doctor's office and get our children and grandchildren immunized against measles. In many poor nations, parents and grandparents do not have that luxury. They need our help.

The President's budget cuts funding for programs which combat measles, polio, SARS, ebola and other deadly diseases by 32 percent.

These are not my numbers, these are the administration's numbers. These numbers are in the President's budget.

These cuts will hurt children the most in countries where vaccines costing a few pennies make the difference between life and death. That is not acceptable.

If somebody said to us, look at those five children, you can save their lives by spending a dollar, would we do it? Of course, we would do it.

These are not Democratic or Republican programs. I have been joined time and again by colleagues on the other side of the aisle who support these health programs in both the Senate and the House.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to effectively combat AIDS. It is the same thing with child nutrition. It is the same thing with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Mr. President, we hear a lot of speeches here. We may feel good about giving those speeches, but I do not feel

good about lofty rhetoric that bears little resemblance to reality, especially when it deals with a catastrophe like AIDS. The President's budget falls short. The allocation for Foreign Operations falls short. We have to do something.

Senator BYRD's amendment builds on an amendment offered by Senator BINGAMAN to the State Department Authorization a couple of weeks ago. That amendment, which passed 78-18, called for full funding—\$3 billion, for the first year of the President's \$15 billion AIDS initiative, even if it means exceeding the budget ceilings. This amendment does not exceed the ceilings.

This amendment would provide full funding of the United States Leadership Against AIDS, TB and Malaria Act. It is what we said we would do. Senator BYRD's amendment would do it.

His amendment would provide the additional \$750 million we authorized for the Global Fund to Fight AIDS, TB and Malaria. And it would provide \$350 million for CDC and NIH programs to combat AIDS. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start keeping our promises.

Leadership is good policy. Leadership means resources. Leadership is not a press release.

Let's stop the rhetoric. Let's do what needs to be done to stop the 15,000 new HIV infections that occur each day. Then the United States can show the promise and the moral leadership a great Nation should show.

Mr. DASCHLE. Mr. President, Senator BYRD has once again laid before the Senate a critical challenge. The numbers he has cited are staggering, confirming what we all know too well: that the world has never known a pandemic greater than the AIDS pandemic.

At the end of last year, there were nearly 43 million people living with HIV. Since January 1, there have been at least 15,000 new HIV infections daily, meaning that we can expect another 45 million infections by 2010. These numbers do not begin to tell the story of the suffering—that story I have seen in the faces of suffering mothers and fathers, daughters and sons throughout Africa and Central Asia.

We simply must do more to stop this crisis.

Given the enormity of this challenge, I regret that I cannot vote for Senator BYRD's amendment. The amendment would pay for this vital increase with a rescission in other defense programs. Just as I have objected to the President's cuts in other vital global health programs to fund the limited AIDS funding increase in his budget, I must vote against this important amendment.

But this will not be the last word. As soon as we can—on the Labor appropriations bill or on the foreign operations appropriations bill—I will work with my colleagues to provide new money for this vital fight. New resources that will fund the promise we made earlier this year with the global AIDS authorization. New resources that will not come out of a bill that must fund our Armed Forces and other emerging threats. New resources that will help us get a leg up on this deadly pandemic.

We must not—we will not—stand down in this battle.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the subject of how much money it takes to comply with the authorization and requests on AIDS is not a matter for the Defense bill. This is an attempt to take defense money and shift it over to the Health and Human Services bill and the State bill in anticipation that those bills will not meet the satisfaction of those who want to see this money put out on \$3 billion a year rather than \$15 billion over 5 years.

I understand the motivation for that: to put up more money. But that money is divided between the Labor, Health and Human Services subcommittee on the one hand and the State-Justice-Commerce bill on the other hand. Or perhaps some of it might go into the foreign operations bills. I don't know. But it is not defense.

What this is doing is suggesting we take defense money that is needed to replace the helicopters we have lost, to repair damage to the equipment we have had damaged in Afghanistan and Iraq, and it also goes to eliminate other items that are needed in terms of modernization.

I oppose this amendment for that reason alone right now. I am not prepared to get into the argument about the total amount we have for AIDS, in terms of whether or not there is a commitment for \$3 billion a year or \$15 billion over 5 years. The point is, as the manager of this bill, my task is to assure we get the money we need for defense.

It is an enormous amount, I say to those who say it is \$1 billion, that is true—\$1 billion a day. We are spending approximately \$1 billion a day for defense globally and that is a whale of a lot of money. I am often reminded of Senator Dirksen saying a billion here and a billion there and it becomes real money. There is no question about it, this is real money.

But this is not the bill on which money is allocated for AIDS under global AIDS. On that basis alone I ask the Senate to support my motion to table the amendment of the Senator. Does the Senator from Nevada wish to speak before I make that motion?

Mr. REID. I would, very briefly.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would rather the money for this amendment would come from someplace else. I hate to see it coming from the Defense bill. But as the Senator from New Mexico indicated, this is a very large bill.

My problem is, however, we have people in this administration going around giving speeches about things that have been authorized and not appropriated.

We had the problem with the Leave No Child Behind. The State of Nevada is in desperate shape in education for a number of reasons, not least of which is the obligations the State of Nevada has because of the unfunded mandate given as a result of the Leave No Child Behind. The State of Nevada still, as we speak, doesn't have a budget. They should have had one months ago.

We had the same situation on homeland security. We finally passed the 11 appropriations bills. As the distinguished ranking member of the Appropriations Committee would acknowledge, he and a number of us tried in many different ways to have money added to take away from the burden of State and local governments for homeland security. We couldn't get that money. We got some money but not enough money.

Then when the President signed those 11 bills, you will remember, even Republicans got upset because he said: I like the bill for everything except there is not enough money for homeland security.

We did everything possible to get more money for homeland security and we simply were not supported by the administration. Even Republicans said that was going too far.

Education, homeland security, and now we have the President and members of his administration going around talking about global AIDS and what a terrible thing it is. And it is. I was in Africa with the Senator from New Mexico and the distinguished Democratic leader last August. On the continent of Africa, over 6,000 people are dying every day from AIDS. Over 6,000 people every day, 7 days a week, and no holidays.

Last week I offered an amendment on the State Department authorization bill to get money for Mexico, a free enterprise system, microlending to help that country pick themselves up and help so people are not streaming across our borders because they are poverty stricken.

I got an e-mail saying, Why are you giving money to those Mexicans? We need money at home. Why give money to those Mexicans? It was the right thing to do, not simply because it helped the Mexican people but because it helped us. That amendment helped us. It helped the United States. It helped everyone in the United States. For every person who doesn't try to come across the border illegally, and doesn't get across, it saves this country money.

Mr. President, this AIDS money also helps us as a country. We are better off

if we don't have 6,000 people dying on that continent.

As I said, I wish there was some other way to get this money. But we have to make sure the people of America understand the difference between authorizing and appropriating. It is easy to make speeches saying we authorize this. But if you do not appropriate the money, it winds up being nothing.

Today we reported out of the Energy Subcommittee the energy and water bill. We did the best we could in that bill. But we have thousands of projects that have been authorized and which are desperately needed in our various States around the country. We don't have enough money to pay for them. We have done a disservice, in many instances, by authorizing money and then not appropriating it. The Senator from West Virginia is not dumping money into Africa which would not help this country. That money to fight global AIDS is going to directly help the United States of America.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, let me reiterate a few things that have already been said. This is not an across-the-board cut on an entire bill. The language here is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. In other words, there is ample precedent for the way we are providing the money. Even with these cuts, the procurement and research and development accounts remain \$2 billion above the President's request and \$6.7 billion above fiscal year 2003. These are real budget funds. Here we have a \$368 billion Defense bill. We shouldn't hesitate to reduce it by \$1.1 billion to pay for a program as important as global AIDS. I know the administration says it doesn't want that much money this year. The administration prefers doing the ramped-up approach.

People understand simple math. Fifteen billion dollars over 5 years is \$3 billion a year. I think we should provide the full \$3 billion. People understand that is certainly going to be \$15 billion over a 5-year period if we do it \$3 billion a year. It is easy to understand that. But by doing the ramped-up approach, it appears that the President is not fulfilling his commitment. I want to help him fulfill that commitment.

I remember, as well as the distinguished Senator from Alaska does, when we were trying to provide moneys for homeland security. We tried to provide moneys for our firemen, our policemen, and our health personnel. We were told by the then-Director of Homeland Security, former Governor Tom Ridge, in a letter that they didn't need that much. It seems that the administration doesn't need the money if some effort is being made on this side of the aisle to provide the money that the administration needs. They know they don't need that then and they come back later and ask for it themselves. They say they need it then.

This is an opportunity to show the world that we mean what we say. This is an opportunity to show the world that the President means what he says.

Here we are quibbling over eight-tenths of 1 percent. We are fiddling over that little measly amount of money when we could adopt the amendment. People of the world would understand what we are saying. They would believe the President is backing up his commitment. Why do we quibble over a few tenths of 1 percent here?

I have made the case.

I ask unanimous consent that certain letters I have received be printed in the RECORD. These are letters of support for the amendment. They come from the Global AIDS Alliance, the Episcopal Church Office of Government Relations located in Washington, DC, Physicians for Human Rights, the General Board of Church and Society of the United Methodist Church, and the Center for Health and Gender Equity.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL AIDS ALLIANCE,  
Washington, DC, July 16, 2003.

Senator ROBERT BYRD,  
United States Senate,  
Washington, DC.

DEAR SENATOR BYRD: We would like to express our deepest appreciation for the amendment you plan to offer to the Defense Appropriations Bill, which would increase funding for the fight against the AIDS pandemic. The attached letter from diverse national and international groups shows clear support for the level of increase your amendment would provide.

Your amendment reflects a realistic appraisal of the true scale of the epidemic and of the real and serious threat to US national security it poses. The US National Intelligence Council has warned AIDS is poised to destabilize areas of high US strategic interest. On July 3, the US Centers for Disease Control warned that China, India and other parts of Asia were threatened by what it termed an "AIDS catastrophe." Humanitarian considerations alone are enough to justify full US support for the fight against AIDS, but these strategic considerations show that it is only appropriate your amendment be approved during consideration of the Defense Appropriations Bill.

The fight against this global threat would be significantly bolstered by your amendment. The \$1.1 billion increase would allow the US to make good on its \$3 billion commitment to the global effort against AIDS and other health threats in FY 2004. Providing \$750 million of the increase to the Global Fund to Fight AIDS, TB and Malaria makes particularly good sense from a public health perspective. The Fund can efficiently utilize these resources, and it can provide them not only to Africa but also to such seriously impacted regions as Asia and Eastern Europe. We also support providing a portion of the increase to AIDS programs run by the Department of Health and Human Services.

Already, twenty five million people have died from AIDS. Around the world, more than 42 million people are infected with the virus and few of these have access to life-saving medicine. If we don't act now, there will be 25 million AIDS orphans facing a bleak future by the end of the decade. Yet, as the Director of UNAIDS, Peter Piot, recently

noted, "[T]he mismatch between need and funding continues to be one of the biggest obstacles in the struggle to control the epidemic." Your amendment would ensure the US shows full leadership in the global effort.

Sincerely,

DR. PAUL ZEITZ,  
Executive Director.

THE EPISCOPAL CHURCH,  
Washington D.C., July 17, 2003.

DEAR SENATE: We are writing on behalf of the Episcopal Church to urge your support for a Byrd amendment that would increase funding to help fight the global AIDS pandemic. Senator BYRD is expected to offer this amendment during Senator floor consideration of the Defense Appropriations bill. The amendment would increase AIDS funding by \$1.1 billion, with \$750 million of that amount to be earmarked for a U.S. contribution to the Global Fund and the remaining \$350 million to be allocated by the Department of Health and Human Services for overseas AIDS spending. This additional \$1.1 billion in spending would increase total 2004 global AIDS spending to \$3 billion a year, an amount equal to a first year installment in President Bush's five-year, \$15 billion Emergency Global AIDS Initiative.

The global AIDS crisis is a priority for the Episcopal Church. Our partners in the Anglican Communion, serving Christians and their communities in 165 countries worldwide, face the daily hardships caused by this terrible disease. In parts of Africa, where over half of the Anglican Communion resides, the AIDS pandemic has created more than a health crisis: it has decimated the workforce, led to a collapse in education systems, deepened poverty, undermined the production of agriculture, and created millions of orphans and vulnerable children. However, AIDS can be beaten. The experience of a successful AIDS program in Uganda makes this clear. Uganda implemented a national AIDS program, and in just ten years, reduced that country's AIDS rate from 15 percent to 5 percent.

Today, we have an effective new mechanism that can build on success stories like Uganda's. The Global Fund to Fight TB, AIDS, and Malaria allows for a coordinated global response to the AIDS pandemic. Global Fund grants are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs. The Fund focuses on providing support for successful programs on the ground and leveraging our allies to do their fair share to fight AIDS. Just this week, an international conference was convened to review to date the progress made by the Global Fund and to address funding issues. The European Union is now committed to raising \$1 billion for the Global Fund. U.S. leadership is clearly serving as a catalyst in leveraging the financial support of other major donor countries. A significant U.S. contribution would further challenge other donors to do more to support The Fund.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. The Byrd amendment would be offset by a small reduction in proposed spending by an amount less than eight-tenths of one percent. Even then, the Senate would still provide more for procurement than was requested in the President's budget.

We urge your support for the Byrd amendment to the Defense Appropriations bill. Now is the time for Congress and the President to make good on the promise to fully fund the Global AIDS Initiative and a U.S. contribution to the Global Fund. Your support can make a significant contribution in

the effort to launch this much-needed world health campaign.

Sincerely,

MAUREEN T. SHEA,  
*Director of Govern-  
ment Relations.*

JERE MYRICK SKIPPER,  
*International Policy  
Analyst.*

PHYSICIANS FOR HUMAN RIGHTS,  
*Boston, MA, July 17, 2003.*

Hon. ROBERT C. BYRD,  
*United States Senate,  
Washington, DC*

DEAR SENATOR BYRD: We thank you for your efforts to ensure that the full \$3 billion authorized for fiscal year 2004 by the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 is appropriated. These diseases kill 6 million people per year, or more than 16,000 per day, making it crucial that the full level of authorized funding to combat them is authorized. Physicians for Human Rights therefore strongly supports your amendment to appropriate an additional \$1.1 billion for HIV/AIDS funding, including \$750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

We are especially pleased that your amendment includes strong support for the Global Fund. The Fund is facing a shortfall of up to \$600-800 million for this year, and needs an additional \$3 billion through 2004. The Fund is already proving its efficiency at quickly distributing funds based on an innovative, country-driven process that ensures the participation of civil society and that proposals adhere to best scientific practices. These features, along with the Fund's multiple accountability mechanisms, make the Fund an excellent mechanism to deliver funds to resource-poor countries, and it deserves the full support of the United States.

The proposals coming into the Global Fund demonstrate that countries have plans to spend resources, what they lack are the resources. When President Bush was in Africa last week, he saw both the awesome need for funding and the equally tremendous energy and commitment of the African people to overcome the diseases that plague their continent. The President and the Congress must trust that given the resources, this energy and commitment will be translated into results. This is already happening throughout Africa—where the resources are available.

African health professionals, who are among those in the best position to know what their countries need and what they can spend, are urging the United States to appropriate \$3 billion this year. So are American health professionals who have extensive experience in fighting HIV/AIDS in Africa. We are including a letter that includes their strong support for \$3 billion in fiscal year 2004 appropriations to fight HIV/AIDS. In a short time, it was signed by 35 African health professionals from 13 countries and 67 American health professionals, along with 13 health professionals from other countries.

Again, we thank you for offering your amendment, and urge your colleagues to support your amendment.

Sincerely,

LEONARD S. RUBENSTEIN,  
*Executive Director,  
Physicians for Human Rights.*

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,

*Washington DC, July 17, 2003.*

Senator ROBERT BYRD,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR BYRD: I am writing to extend our support to your proposed amendment to the Defense Appropriations bill that will increase the level of funding for HIV/

AIDS, Malaria and TB. The United Methodist Church strongly advocates for full funding of the AIDS Initiative proposed by President Bush in his State of the Union speech as well as the U.S. Leadership Against AIDS, TB and Malaria Act of 2003. It is our hope to see \$3 billion for FY2004 appropriated which would include one billion dollars for the Global Fund.

We know know that AIDS can be beaten. The experience of Uganda makes this clear. The HIV rate in Uganda was reduced from 15% in 1990 to approximately 5% according to UNAIDS. Today, we also have effective mechanisms to build on the success in Uganda because of the creation of the Global Fund to Fight AIDS, Malaria and Tuberculosis.

The Global Fund, chaired by Health and Human Services Secretary Tommy Thompson, is scaling up successful programs on the ground and leveraging our allies to do their fair share in the fight against AIDS. Grants by the Global Fund are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs.

As we listen to our United Methodist brothers and sisters particularly in Africa, it becomes quite clear that this bill is one of the most critical pieces of legislation considered by Congress. The full funding of this is necessary if we are to make any significant impact in the pandemic. I thank you for your leadership on this issue and wish you the very best as you proceed forward with this important task.

Peace and grace,

LINDA BALES, Program Director,  
*Louise and Hugh Moore Population Project.*

CENTER FOR HEALTH AND  
GENDER EQUITY,  
*Takoma Park, MD, July 17, 2003.*

Hon. ROBERT BYRD,  
*U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR BYRD: I am writing to express my strong support, on behalf of the Center for Health and Gender Equity (CHANGE), for your effort to increase U.S. spending for global AIDS programs by offering an amendment to the Defense Appropriations bill.

CHANGE, a U.S.-based international women's health and rights organization, worked hard to develop and pass an effective global AIDS policy to respond specifically to the needs of women and girls in preventing HIV infection. While we are disappointed with some of the harmful provisions—particularly in regard to HIV prevention efforts—we feel the bill itself is a positive advancement and support fully funding this initiative. It is critically important for the U.S. government to appropriate a full \$3 billion to combat global AIDS and make good on our promise to do so. Cutting unnecessary defense spending is an appropriate way to reach the authorized funding amount and support the essential Global AIDS Fund, since the President has failed to request an adequate amount in his own budget and has discouraged Congressional appropriators from providing sufficient funds in the foreign operations budget.

We applaud your leadership in this effort and are working to ensure passage of your amendment on the Senate floor.

Sincerely,

JODI L. JACOBSON,  
*Executive Director.*

Mr. BYRD. Mr. President, I also ask unanimous consent that the names of Senators BINGAMAN and CANTWELL be included as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank the distinguished Senator from Alaska for his patience and for waiting until we could finish our statements before he moves to table.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I stand with much reluctance to speak against the amendment proposed by the good Senator. But I would like to commend him first for bringing this matter to our attention.

I think it should be noted that as of this moment this Nation has spent over \$15 billion primarily in research. If this was a case where we had a vaccine or we had some drug or some medicine that could cure global AIDS and that we were not purchasing it in a sufficient quantity, that would be another issue. Then one could say this is an emergency and we need more drugs or we need more vaccines. But we are still in the process of developing this vaccine.

Experience has shown us that by merely appropriating money does not find solutions with these problems. One must train technicians. One must take time to do research. Men and women who are experts in this area and who have a schedule are much more knowledgeable to tell us at this stage whether we should be spending so much. Finally, when we hopefully reach that moment when we can tell the world we have found the vaccine and we have found the drugs that can do it, then we can spend huge amounts.

We have spent over \$15 billion. It is not an easy problem. To say that it is complex would be an understatement.

If this amount suggested by my friend and mentor would cure the problem, I think all of us here would be supporting it. But I think all of us realize we are still at the development stage.

If you study the process followed by other development programs, you will note that we always start small and then grow up to a point where we can do the huge spending. But we still must develop the vaccine. We still must develop the medicine. And just spending money is not going to do that.

Much as I want to support my dear friends, I find that I will be supporting my chairman in the motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I had a conversation with the Senator from Iowa concerning the President's statement. I am informed by a call we made to the President's Director of AIDS Policy that in a background briefing with the press it was plainly spelled out that the President's request for 2004 was \$2 billion but that there was an absolute commitment for \$15 billion over 5 years.

I will say this. There is no question that the amount of money in this account is higher. This is one of the things I have been trying to say all day, that in this bill are substantial

amounts of money that relate to Iraq. That increase is for the procurement of aircraft, ammunition, and specialized equipment that was destroyed in Iraq. It is not being spent in Iraq, but it is being spent to replenish particularly the special operations command, special operations forces. They consumed a considerable amount of their equipment and supplies. That extra money will be in this account. It will be reduced \$1.1 billion if this amendment is agreed to.

It would be my hope Senators would look at this as an amendment to take money from the Defense bill to meet the AIDS obligation. We will be back on this AIDS obligation next week, hopefully, when we get to the Health and Human Services bill.

We had authorized \$370 billion in the Defense authorization bill. We have found here \$3.69 billion, despite the fact we already took out of this account \$3.1 billion and allocated it to non-defense accounts.

I do believe we have performed literally miracles—well, my squadron's motto in World War II was, "We do the impossible immediately. Miracles take slightly longer." So I cannot say this was a miracle, but it sure was doing the impossible to try to find the money to try to meet the objectives of the Defense authorization bill, notwithstanding the fact that we have taken \$3.1 billion out of it.

Mr. President, there is no question that there is no one on the floor of this Senate who is more committed to the war on AIDS than this Senator. I do not know how many people understand it. I believe I do understand it in the way that it replicates cells, destroys cells. It really is a total global plague now.

I am proud our President has made this commitment of \$15 billion. Instead of standing here and challenging the commitment on the basis we have not provided \$3 billion in the first year, we should applaud the President for making the commitment for \$15 billion. I applaud him again today for that.

I also hope the Senate will understand we have reviewed every request for equipment that has been made in addition to those items that were authorized. We have allocated the money as best we can. The Senator from Hawaii and I have had no disagreements at all on that.

I, once again, am very proud of the support of my friend. And I do make a motion to table the amendment of the Senator from West Virginia, and I ask unanimous consent that vote on that motion take place at a time to be determined by the majority leader after consultation with the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Senator BYRD has specifically requested, many times—and I have relayed this, I think—at least I tried to—that he wants a vote when he completes the debate. So we should have a vote now.

Mr. STEVENS. I understand that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. President, I ask unanimous consent that when the Senator finishes his remarks, I be recognized to make a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Alaska will be recognized following the conclusion of the remarks of the Senator from Iowa.

The Senator from Iowa.

Mr. HARKIN. I thank the Presiding Officer, and I thank the chairman.

Mr. President, I just want to clarify something to make the record as clear as I can. Earlier in my remarks, I had said the President, traveling in Africa, had stated that he wanted the full \$3 billion for the AIDS funding in Africa for this year. The chairman of the committee had asked me about that, and I had said that I would come up with the documentation. Well, it is sort of half of this and half of that. I will admit now that the President did not specifically say: "\$3 billion." I wanted to admit that for the record.

However, the President did say—and I will quote his words exactly—on July 12, in Abuja, Nigeria:

The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes \$15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

And here is the key language:

The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

Well, to "fully fund this initiative." I have a copy of the authorizing language. The authorizing language says, specifically, under paragraph A(2):

Authorize the appropriation of a total \$15 billion for fiscal years 2004 through 2008.

Specifically, the act authorized \$3 billion to be appropriated in fiscal year 2004 for HIV/AIDS and related programs. So, specifically, the authorizing bill authorized \$3 billion in this coming fiscal year. The President said:

The House and the Senate must fully fund this initiative.

He may not have said \$3 billion, but what he said must mean \$3 billion because that is full funding of the bill for next year. It is right, he didn't use \$3 billion, but he said he wanted it fully funded. If it is fully funded, it must be \$3 billion for this next year.

Secondly, the Secretary of State, on a briefing in South Africa, was asked a question:

The House Appropriations Committee today cut back the first year's funding from about \$3 billion to about \$2 billion.

And Secretary Powell answered:

I would, of course, have preferred full funding of the President's request to make the best use of the money that Congress has provided for this. And I'll wait and see the congressional action and see how this ultimately emerges from the Congress.

So here we have the President saying he wanted it fully funded. He says:

The House and Senate must fully fund this initiative.

That can only mean that we must come up with the \$3 billion. So while the President didn't specifically say \$3 billion, that is the full import of his words that he spoke in Africa.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I asked for and have obtained a copy of the transcript that was made at the background briefing provided for the President's speech in Africa. This was made by Dr. Joseph O'Neill, the President's director for AIDS policy. He was asked this question by the press:

Can you clarify something about the money issue? You've talked about full funding, but no one has yet defined what full funding is. Is it the \$2 billion that the President originally requested for next year? Or is it the \$3 billion that was in the authorization bill? Or is it something else?

Dr. O'Neill answered:

Full funding and what we are going after is \$15 billion over five years. Our request for this year, 2004, as you know, is \$1.9 billion if you exclude the tuberculosis and malaria money.

And I want to make a very clear point on this, because it's something where there has been continuing confusion. We have requested and will request \$15 billion over five years. Now, in order to be effective with those dollars, we would be foolish to think we would spend the same amount every year. In order to do—particularly to do the treatment that is the cornerstone of this initiative—and I can say this because I'm a practicing physician myself, I still [see] HIV/AIDS patients, this is a very tough thing to do—in order to do that, we need to build a lot of infrastructure, we need to do a lot of training, particularly of health care workers. So for the first year, it's going to take less money to get the job done than it will in the outyears.

So we've always been clear [on that], we've always tried to be clear that we've always intended to ramp up these dollars over five years for a total of \$15 billion over five [years].

That is the statement on which we relied. Again, I come back to the fact that we are talking, in this instance, about the problem of the other bills that do handle HIV/AIDS and not this bill.

I understand the Senator from West Virginia would like to make a statement. I ask unanimous consent that he be permitted to make the statement before I renew the motion to table his amendment.



The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the facts are staggering. More than 5 million people are infected with HIV/AIDS each year. That is 15,000 people infected each day, 625 people infected every hour, more than 10 people every minute—people of virtually all ages, people in every corner of the world. Last year, more than 3 million people died from AIDS. The longer we wait to find a cure, the longer we wait to fulfill the pledge to the global HIV/AIDS trust fund, the longer we wait, the greater the tragedy.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

This amendment would make good on the Government's pledge to the world and the effort to combat the global HIV/AIDS epidemic. The President promised \$15 billion in the next 5 years. Congress has authorized \$3 billion for the next fiscal year. But the authorization without appropriation is a will-o'-the-wisp. The President's budget only provides \$1.9 billion. This amendment would increase funding for the global AIDS/HIV initiative by \$1.1 billion to \$3 billion. The amendment would be offset by a \$1.1 billion across-the-board cut in the amounts appropriated for the Defense Department procurement as well as for research, development, test, and evaluation. We are spending more than \$1 billion a day for defense in this bill. Surely we can afford to spend \$1 billion more in a year to combat AIDS and HIV.

I reiterate that a few days ago—last week it was, I believe—President Bush visited five African countries. He again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, \$15 billion program to attack the disease in the world's poorest countries. This is the President's chance. Why wait? He may not be around here for 5 years. Who knows, right? The President may not be in power for 5 years. He may not be around here 5 years. Why not help him to fulfill his commitment today? Three billion dollars in 1 year—\$3 billion—to attack this disease.

On July 10, 2003, the Senate voted in a sense-of-the-Senate resolution 78 to 18 to provide full appropriations for the \$15 billion AIDS initiative touted by our President, including \$3 billion in fiscal year 2004. Now is the time, Senators, to step up to the plate and honor your commitment. Now is the time to help the President to honor his commitment.

I urge all of my colleagues to support this amendment and to vote no on the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I renew my motion to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately at the conclusion of the next vote, the Senate proceed to executive session for consideration of Calendar No. 291, Allyson Duncan, to be a U.S. Circuit Judge for the Fourth Circuit; provided that there then be 10 minutes for debate equally divided between Senators DOLE and EDWARDS and, at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination without further intervening action or debate; provided, further, that immediately following that vote, the Senate proceed to a vote on the confirmation of Calendar No. 294, Louise Flanagan, to be U.S. District Judge for the Eastern District of North Carolina; provided that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session; provided, further, that the time for voting on each of the confirmations of these judges be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, will the Senator from Alaska modify his request to allow Senator SCHUMER to be recognized after the votes are completed to speak for up to 10 minutes? He has an amendment that has been worked out and he wants to speak, and that will finalize that.

Mr. STEVENS. Yes. I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1283.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessary absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 24, as follows:

[Rollcall Vote No. 288 Leg.]

#### YEAS—71

Akaka	DeWine	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Murkowski
Bayh	Edwards	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Nickles
Bond	Fitzgerald	Reed
Breaux	Frist	Roberts
Brownback	Graham (SC)	Rockefeller
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Carper	Hatch	Smith
Chambliss	Hollings	Snowe
Cochran	Inhofe	Specter
Coleman	Inouye	Stevens
Collins	Johnson	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	

#### NAYS—24

Bingaman	Dodd	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Pryor
Cantwell	Harkin	Reid
Chafee	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Wyden

#### NOT VOTING—5

Graham (FL)	Kerry	Miller
Hutchison	Lieberman	

The motion to table was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Prior to that time commencing on the nominations, I ask unanimous consent, other than the managers' package which is being cleared on both sides, that the only other amendments to the Defense appropriations bill to be in order will be: Senator BYRD's amendment, with Senator BYRD speaking for 20 minutes and 10 minutes for me; Senator BIDEN's amendment, 10 minutes for Senator BIDEN and 5 minutes for me; and I ask further that following disposition of those amendments the bill be read for the third time and the Senate proceed to vote on final passage of the bill without further intervening action or debate.

Mr. DASCHLE. Reserving the right to object.

Mr. BIDEN. Reserving the right to object.

Mr. DASCHLE. I ask that the order be reversed; Senator BIDEN be recognized first and then Senator BYRD second.

Mr. BIDEN. Mr. President, in the interest of my colleagues, there will be an opportunity next week, and I will not propose my amendment.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Mr. STEVENS. That means other than the managers' package, the only amendment in order to this bill would



be Senator BYRD on a 30-minute time-frame, 20 minutes for Senator BYRD and 10 minutes for myself; that will follow the 10 minutes of debate on the circuit court judge and the vote on that confirmation.

I, again, renew my request for unanimous consent that following the disposition of those amendments and the circuit judge this bill be read for the third time and the Senate vote on final passage of the Defense appropriations bill with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. I ask unanimous consent that the scheduled rollcall vote previously ordered on the confirmation of Calendar No. 294 be vitiated and we now have a vote on the confirmation of the other nomination.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, the distinguished senior Senator from Alaska is referring to the district court judge; is that correct?

Mr. STEVENS. The district court judge, yes. There will be a vote scheduled on the confirmation of the circuit court judge, Allyson Duncan. I ask that we vitiate the rollcall on the district judge and have a rollcall vote on the circuit judge. There will be 10 minutes equally divided on the circuit judge.

Mr. LEAHY. Reserving the right to object, the district judge is strongly supported by both the Senators, Democrat and Republican Senators, of the nominee's State. After appropriate consultation, we have no objection to a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between Senator DOLE and Senator EDWARDS.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on this nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I am pleased tonight we are confirming two of President Bush's judicial nominees from my home State of North Carolina, Allyson Duncan to the Fourth Circuit Court of Appeals and Louise Flanagan to the Eastern District of North Carolina. Our free society is based on reasoned, dispassionate judgment of the men and women of our judicial branch of our Government who share a sense of honor and duty to our country and to our Constitution. Every indication is that these two talented and experienced individuals will provide just that.

Judges interpret and apply the laws that govern our Nation, including our fundamental rights and liberties protected in the Constitution. However, on the Fourth Circuit Court of Appeals, there is a North Carolina vacancy that is the longest on the entire Federal bench. It dates back nearly a decade to July 31, 1994. In fact, North Carolina has had no representation on the Fourth Circuit Court in nearly 4 years, though we are the largest State in the circuit. Two seats have stood empty on North Carolina's Eastern District Court for 2½ and 5½ years, respectively.

I am pleased the Senate has stepped up and fulfilled its duties for these to nominees, taking steps to fill these vacancies to address the disparity for North Carolina.

This vote is historic in more ways than one. Allyson Duncan is the first woman from North Carolina to serve on the Fourth Circuit Court of Appeals. She is also the first African-American woman to serve on the Fourth Circuit Court. Ms. Duncan's résumé is most impressive, marked with numerous positions of significant responsibility in both the public and private sectors. Currently, an attorney with the Raleigh law firm of Kilpatrick Stockton, Ms. Duncan is the president of the North Carolina Bar Association, and an active member of the North Carolina Association of Women Attorneys. Prior to that, she was a judge on the North Carolina Court of Appeals, and a professor of law at North Carolina Central University.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise to enthusiastically express my support for the nomination of Allyson Duncan for the Fourth Circuit Court of Appeals and Louise Wood Flanagan for the U.S. District Court for the Eastern District of North Carolina.

This is a historic day for my home state of North Carolina. Once confirmed, Allyson Duncan will be the first North Carolinian to join the Fourth Circuit Court of Appeals in 23 years. North Carolina is the only State in the Union with no judges on a Federal appellate court. And we have the longest-standing vacancy in the Federal appeals court system.

I was very proud to support Judge Duncan's nomination and it was my pleasure to introduce her during her confirmation hearing. She will restore the voice of North Carolina to this very important Federal Court and breaks a logjam that has damaged our state for too many years.

This historic development shows what can be done when the President truly respects the advice and consent role of the Senate. In this case, President Bush did more than just pay lip service to this important responsibility. He reached out to Senator DOLE and me before he made his decision—he consulted with us—he sought our advice. In making his decision, the President selected a nominee who represents the mainstream of our state.

I commend the President for consulting with us and for making an excellent nomination. If he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the Federal bench. When we work together, we find outstanding nominees like Allyson Duncan who represents the best of North Carolina.

As impressive as her resume is, even more telling is her stellar repudiation throughout the North Carolina legal community. I have heard from folks all over the State who can't say enough about Allyson Duncan. What people keep telling me is that this is a woman of extraordinary intellect and skill, who loves the law, strives for justice and never allows politics to interfere with her commitment to fairness and equality.

When the Senate confirms Allyson Duncan—which I hope will happen soon—her confirmation will mark a number of "firsts."

She will be the first North Carolinian to join the 4th Circuit in over 20 years; she will be the first African American woman to serve on that distinguished court. And most important, I hope she will be the first in a series of bipartisan, consensus judicial nominations from our State.

I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Allyson K. Duncan, who has been nominated to the U.S. Court of Appeals for the Fourth Circuit.

Ms. Duncan is truly an impressive woman and has the enthusiastic support of both North Carolina senators, along with a unanimous "Well Qualified" ABA rating.

She graduated first in her class at Hampton University, a historically black college. She then attended Duke University Law School and was appointed an Earl Warren Legal Scholar, a scholarship awarded to black law students demonstrating leadership and an interest in the public interest.

Upon graduation, our nominee clerked for the Honorable Julia Cooper Mack on the District of Columbia Court of Appeals, before beginning her

tenure at the Equal Employment Opportunity Commission in 1978. Ms. Duncan held several positions at the EEOC, starting as an appellate attorney, serving as the assistant to the Chairman, and ultimately becoming acting legal counsel.

Ms. Duncan left the EEOC for a teaching post at North Carolina Central University School of Law, another historically black college, where she taught property, employment discrimination, labor law, and appellate advocacy.

Our outstanding nominee is also a pioneer. After leaving her teaching post in 1990, she became the first black woman to be appointed to the North Carolina Court of Appeals as an associate judge. She served in that capacity for one year, after which she hit another milestone.

Ms. Duncan was then appointed commissioner of the North Carolina Utilities Commission—another first for a black woman. As commissioner, she was responsible for telecommunications, natural gas and water regulations. She served as commissioner until she entered private practice with the law firm of Kilpatrick Stockton, where she is currently a partner. Her area of concentration is energy-related issues, but she also handles regulatory matters involving rate making, and mergers and acquisitions.

I am proud to add that if confirmed, Ms. Duncan will hit a third milestone: that of being the first black woman to sit on the Fourth Circuit Court Appeals. A circuit, I would like to note, that has a 24 percent black population—the highest black population for all of the circuit courts.

Allyson Duncan has a fine background, which will serve her well as a circuit court judge. She will be a terrific addition to the Court, and I urge my colleagues to join me in supporting her nomination.

Mr. LEAHY. Mr. President, today the Senate will confirm the first new judge to the Fourth Circuit from North Carolina in 23 years as well as a nominee to the District Court for the Eastern District of North Carolina. I want to thank Senator EDWARDS for his efforts to resolve the impasse that has stalled so many nominees from North Carolina. Part of his reward will be the service that Judge Allyson Duncan will soon be providing to the people of North Carolina as a member of the United States Court of Appeals for the Fourth Circuit. When Senator EDWARDS obtained a hearing for Judge Duncan last month, her nomination had already progressed further than the Republican majority had allowed the nominations of Judge James Beaty, Judge James Wynn, and Judge Rich Leonard to proceed when they were nominated to the Fourth Circuit by President Clinton from 1995 through 2001. This confirmation means that North Carolina once again is represented on the Fourth Circuit.

In addition, Judge Duncan will be the first African-American woman to serve

on the Fourth Circuit, a circuit that did not have an African-American judge until President Clinton appointed Roger Gregory 2½ years ago.

A good way to see how much faster we are proceeding on judicial nominations for a Republican President is to compare where we are in July of this year to July of any year during the last Democratic administration when the Republicans controlled the Senate. Over the last 6½ years of Republican control under President Clinton, the Republicans allowed only 19 judicial confirmations, on average, by July 16, and included only 4 circuit court nominees, on average, by this time. We have now doubled the number of judicial confirmations and more than doubled the number of circuit court confirmations.

On this day, in 1995, only 27 judicial nominations had been confirmed; in 1996, only 10; in 1997, only 6; in 1998 the confirmations totaled 33; in 1999, only 9; and in 2000 the confirmation total by this point of the year was 29. Today, we confirm the 37th and 38th judges so far this year. We have already confirmed more judges in only the seventh month of this year than the Republican majority was willing to confirm in all of 1999, in all of 1997, and more than twice as many as the Republican majority was willing to consider during the entire 1996 session. Vacancies in the courts stand at less than half of what they were during the Clinton years and we have more Federal judges serving than ever before.

Today, we confirm the 10th judge to the Courts of Appeals. This is more than were confirmed in all of 4 of the past 6 years when the Republicans were in the majority—in 1996, 1997, 1999, and 2000. And in the 2 other years, the Tenth Circuit nominee was not confirmed until much later in the year.

As I have noted throughout the last 3 years, the Senate is able to move expeditiously when we have consensus nominees. I am delighted that these North Carolina nominees have the support of Senator EDWARDS and Senator DOLE and that we have been able to move forward so expeditiously to confirm them. Unfortunately, far too many of this President's nominees have records that raise serious concerns about whether they will be fair judges to all parties on all issues.

The PRESIDING OFFICER. All time has been yielded. The question is, Will the Senate advise and consent to the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAU), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr.

KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 289 Ex.]

YEAS—93

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Edwards	Murkowski
Biden	Ensign	Murray
Bingaman	Enzi	Nelson (FL)
Bond	Feingold	Nelson (NE)
Boxer	Feinstein	Nickles
Brownback	Fitzgerald	Pryor
Bunning	Frist	Reed
Burns	Graham (SC)	Reid
Byrd	Grassley	Roberts
Campbell	Gregg	Rockefeller
Cantwell	Hagel	Santorum
Carper	Harkin	Sarbanes
Chafee	Hatch	Schumer
Chambliss	Hollings	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Wyden

NOT VOTING—7

Breaux	Kerry	Warner
Graham (FL)	Lieberman	
Hutchison	Miller	

The nomination was confirmed.

#### NOMINATION OF LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

NOMINATION OF LOUISE W. FLANAGAN

Mrs. DOLE. Mr. President, Louise Flanagan is the first woman to serve as a district court judge for North Carolina's Eastern District. Serving as a magistrate judge for the Eastern District since 1995, Louise Flanagan is consistently praised by her colleagues on the Eastern District Court for her integrity and her fairness in the courtroom. Whether in previous positions with the law firms of Ward and Smith in Greenville, NC, or Sonnenschein Nath and Rosenthal in Washington, DC, or at the Center for National Security Law, Ms. Flanagan's accomplishments are numerous on behalf of the

public and the institutions she has served. I am certain she will bring judicial temperance, integrity, and character to the Federal bench.

For these individuals and for so many other qualified men and women, being nominated to serve on the Federal bench by the President of the United States marks the pinnacle of a long and remarkable legal career. For those who are confirmed, it represents an opportunity to use their wisdom and legal training to uphold our Constitution and protect the rights and freedoms upon which our Nation was founded.

As I campaigned for the Senate, I told the people of North Carolina that I believe each and every judicial nominee deserves a hearing and a vote by the full Senate. I believe in the capability, independence, and prudence of the Members of this institution. If a person has concerns about an issue or a nominee, then I believe he or she should make a persuasive case to the other members of this body in a forthright, open, and honest debate. This process is established in our Constitution, and it is what our representative democracy is all about.

We are here today because the process is working for these two North Carolina nominees. I am confident that both of these highly qualified women will meet their duties with professionalism, impartiality, and competence, and I hope that other well-qualified candidates who have been sent forth, such as Judge Terrence Boyle, might soon join them.

I yield the floor.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Louise Wood Flanagan to be a U.S. District Court Judge for the Eastern District of North Carolina. Judge Flanagan currently serves as a Federal magistrate judge.

After earning her law degree from the University of Virginia School of Law in 1988, she served as law clerk for Judge Malcolm Howard on the very court to which she has been nominated. In 1990, she joined the North Carolina law firm of Ward and Smith, where she handled complex commercial litigation and litigated approximately 300 cases in state, federal, and bankruptcy court. Throughout her career, Judge Flanagan, has consistently demonstrated the strong legal intellect, integrity, and judicial temperament required of a U.S. District Court Judge.

In 1995, Judge Flanagan was appointed to be a Magistrate Judge for the U.S. District Court for the Eastern District of North Carolina. In this position she handles both criminal and civil matters and has earned a reputation of fairness, honesty, and keen intellect. She will make an excellent addition to the Federal bench.

I commend President Bush for nominating her and urge my colleagues to join me in supporting this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina?

The nomination was confirmed.

Mr. STEVENS. I move to reconsider the votes and to lay those motions on the table.

The motions to lay on the table were agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Mr. SCHUMER, will be recognized for up to 10 minutes.

The Senator from New York.

AMENDMENT NO. 1315

Mr. SCHUMER. Mr. President, I believe the amendment is already part of the managers' package, so it does not have to be read.

In the interest of time, Mr. President, of the 10 minutes allotted to me, I will yield back 4, take 3 for myself, and yield 3 to the senior Senator from Washington.

Mr. President, I ask unanimous consent that Senator MURRAY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, this amendment is very simple. We have all heard the reports, which bother us, tear at our hearts, that our soldiers are going to have to stay a longer period of time because of the fighting, the chaos, the problems in Iraq.

One of the quickest ways to get them home is that we set up an indigenous police force. After all, our Army, the greatest Army in the world, that has done such a great job in Iraq, has not really been trained to be a police force to stop looting and to create civil order, et cetera.

We are in the process of training Iraqis to take over this job, and I am sure most Americans wish it could be done as quickly as possible. This amendment is a reminder of that and an importuning of the administration to do just that, by requiring that every 180 days there be a report from the administration to Congress and the American people that talks about the progress of setting up such a police force, the cost of such a police force, and how it might affect the timetable and speed up the timetable, more particularly, of our soldiers coming home.

We know we have to restore rule of law in Iraq. We know it should best be

done by an indigenous Iraqi police force. This amendment simply says, let's get that done quickly, and let the administration report to us on how that progress is going. It is important to the soldiers. It is important to law and order in Iraq, and it is important to the American people.

Nothing would make us all happier than to bring so many of our brave soldiers home, and home quickly. This amendment is both a reminder and an importuning addressed to that fact.

With that, I yield back the rest of my 3 minutes, and yield the remaining time to the Senator from Washington, the cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mrs. MURRAY. Mr. President, I come to the floor to support the Schumer amendment to the Defense bill regarding the development of an Iraqi police force. This is an urgent amendment—one of the most important Iraq-related amendments we have considered on the defense bill.

The Schumer amendment will focus the administration's attention on the domestic security issue in Iraq that threatens American servicemen and women, other Americans and foreigners now in Iraq, and the Iraqi people.

One of the reasons we went to war in Iraq was to liberate the Iraqi people. The military campaign was named, "Operation Iraqi Freedom." Again and again, from the President on down, we have been told that we acted on behalf of the Iraqi people.

We all witnessed the scenes of jubilation at the fall of Saddam Hussein's regime. Time and again, the administration has told us that we have restored freedom to the Iraqi people.

We all hope this is ultimately true. But the truth today is very different for women in Iraq and particularly in Baghdad.

Yesterday, Human Rights Watch released a report detailing reports of rape, assault, and kidnapping of women and girls in Baghdad. The report cites 25 credible allegations of rape and abduction since the fall of Saddam Hussein. It is believed that the number of rapes and sexual assaults in Baghdad is far higher. Women are discouraged from reporting the crime and face social isolation and even "honor killings" by other family members for being violently victimized.

Yesterday's New York Times contains a disturbing article about the dangers confronting women in Baghdad. I ask unanimous consent to have the article, "Rape (And the Silence About It) Haunts Baghdad," printed in the RECORD.

[From the New York Times, July 16, 2003]

RAPE (AND SILENCE ABOUT IT) HAUNTS BAGHDAD

(By Neela Banerjee)

BAGHDAD, IRAQ, July 15.—In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living

room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!" "I am afraid of the gangsters," Sanariya whispered in the twilight of her hallway. "I feel like they are killing me in my nightmares. Every day, I have these nightmares."

Since the end of the war and outbreak of anarchy on the capital's streets, women here have grown increasingly afraid of being abducted and raped. Rumors swirl, especially in a country where rape is so rarely reported.

The breakdown of the Iraqi government after the war makes any crime hard to quantify. But the incidence of rape and abduction in particular seems to have increased, according to discussions with physicians, law-enforcement officials and families involved. A new report by Human Rights Watch based on more than 70 interviews with law-enforcement officials, victims and their families, medical personnel and members of the coalition authority found 25 credible reports of abduction and sexual violence since the war. Baghdadis believe there are far more, and fear is limiting women's role in the capital's economic, social and political life just as Iraq tires to rise from the ashes, the report notes.

For most Iraqi victims of abduction and rape, getting medical and police assistance is a humiliating process. Deeply traditional notions of honor foster a sense of shame so strong that many families offer no consolation or support for victims, only blame. Sanariya's four brothers and parents beat her daily, Fatin said, picking up a bamboo slat her father uses. The city morgue gets corpses of women who were murdered by their relatives in so-called honor killings after they returned from an abduction—even, in some cases, when they had not been raped, said Nidal Hussein, a morgue nurse.

"For a woman's family, all this is worse than death," said Dr. Khulud Younis, a gynecologist at the Alwiyah Women's Hospital. "They will face shame. If a woman has a sister, her future will be gone. These women don't deserve to be treated like this."

It is not uncommon in Baghdad to see lines of cars outside girls' schools. So fearful are parents that their daughters will be taken away that they refuse to simply drop them off; they or a relative will stay outside all day to make sure nothing happens.

"Women and girls today in Baghdad are scared, and many are not going to schools or jobs or looking for work," said Hanny Megally, executive director of the Middle East and North Africa division of Human Rights Watch. "If Iraqi women are to participate in postwar society, their physical security needs to be an urgent priority."

Beyda Jafar Sadiq, 17, made the simple decision to go to school on the morning of May 22 and never returned. Her family has been looking for her ever since. They have appealed to every international nongovernmental organization, the Iraqi police and the American authorities. Her eldest brother, Feras, 29, has crisscrossed the country, visiting the morgue in Basra in the south, traveling to Amara and Nasiriya on reports from acquaintances that they saw a girl who looked like Beyda. "I just want to find her," said Beyda's mother, Zakiya Abd, her eyes swollen with grief. "Whether she's alive or dead, I just want to find her."

Some police in Baghdad concede that at this point, there is little they can do to help. Their precinct houses were thoroughly looted after the war. Despite promises from

the American authorities, Baghdad police still lack uniforms weapons, communications and computer equipment and patrol cars. "We used to patrol all the time before the war," said a senior officer at the Aadimiya precinct house. "Now, nothing, and the criminals realize there is no security on the streets."

The Human Rights Watch report alleges that sometimes when women try to report a rape or families ask for help in finding abducted women, they are turned away by Iraqi police officers indifferent to the crimes. Some law-enforcement officials insist abduction and rape have not increased, while other officials and many medical personnel disagree. Bernard R. Kerik, a former New York City police commissioner and now an adviser to the Interior Ministry, told of recently firing a precinct chief when he learned that the official had failed to pursue a family's report of their missing 16-year-old daughter. "The biggest part of the issue is a culture that precludes people from reporting," Mr. Kerik said. "It encourages people not to report."

If an Iraqi woman wants to report a rape, she has to travel a bureaucratic odyssey. She first has to go to the police for documents that permit her to get a forensic test. That test is performed only at the city morgue. The police take a picture of the victim and stamp it and then stamp her arm. That is so no one else goes in her place and says that she was raped, that she lost her virginity," said Ms. Hussein, the nurse. At the morgue, a committee of three male doctors performs a gynecological examination on the victim to determine if there was sexual abuse. The doctors are available only from 8:30 a.m. to 1:30 p.m. If a victim arrives at any other time, she has to return the next day, without washing away any physical evidence. Hospitals can check victims only for broader trauma, like contusions and broken bones.

Dr. Younis said she had seen more rape cases in the months after the war than before. Yet even when women come to the hospital with injuries that are consistent with rape, they often insist something else happened. A 60-year-old woman asserted that she had been hit by a car. The mother of a 6-year-old girl begged the doctor to write a report saying that her daughter's hymen had been ruptured because she fell on a sharp object, a common lie families tell in the case of rape, Dr. Younis said. Shame and fear compel the lies, Dr. Younis said. "A woman's father or brother, they feel it is their duty to kill her" if she has been raped, Dr. Younis said. "It is the tribal law. They will get only six months in prison and then they are out."

Sanariya's family took her to a doctor three days after her attack only because the bleeding had not stopped. She had been sitting on the stairs at about 4 p.m. on May 22 when an armed man dragged her into an abandoned building next door. He shot at neighbors who tried to help the girl. He fled when she began screaming during the assault.

Her mother refuses to let her outside now to play. Fatin lied to her family and said an operation had been done to restore Sanariya's hymen. But when her eldest brother, Ahmed, found out otherwise, he wanted to kill Sanariya, Fatin said.

Out of earshot of her family, Sanariya said she feels no better now, two months after the attack. "I don't sleep at night," she said in the hallway. "I don't sleep."

Mrs. MURRAY. The article describes a 9-year-old girl who wakes up screaming, "Let me go!" This is a 9-year old girl whose life has been forever changed by unimaginable violence. She says in the article, "I am afraid of the gangsters. I feel like they are killing

me in my nightmares. Every day, I have these nightmares."

The story of this young girl—one of too many stories—ought to be enough to focus the Congress and the administration on the urgency of the domestic security situation in Iraq.

Have we restored freedom to the Iraqi people when women and girls live in fear of abduction, rape, and murder?

Have we restored freedom to the Iraqi people when women are denied participation in a new Iraqi government and economy because their physical security is threatened every time they go out alone? Have we restored freedom to the Iraqi people when 9-year-old girls are victimized in the most horrifying way?

I want to share with the Senate a passage from the summary of the Human Rights Watch report titled, "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad."

The summary reads:

Many of the problems in addressing sexual violence and abduction against women and girls derive from the U.S.-led coalition forces and civilian administration's failure to provide public security in Baghdad. The public security vacuum in Baghdad has heightened the vulnerability of women and girls to sexual violence and abduction. The police force is considerably smaller and more poorly managed when compared to prior to the war. There is limited police street presence; fewer resources available to police to investigate; little if any record keeping; and many complaints are lost. Many hospitals and the forensic institute are unable to operate twenty-four hours a day as they did before the war, thus preventing women from obtaining medical treatment and the forensic examinations necessary to document sexual violence in a timely manner.

The summary concludes with the following,

At the time of writing, plans for Iraq's reconstruction are taking shape and rights of women and girls are at stake. It is essential that all parties involved in these plans address the state's inadequate protection of the rights of women and girls. Those involved in the reconstruction process should ensure that any existing and new trends toward treating women and girls unequally before the law and discouraging women and girls from reporting sexual violence, or punishing women and girls for being the victims of sexual violence are countered.

We all know that our troops are faced with dangerous resistance throughout Iraq. Just yesterday, our military leaders acknowledged that we were facing a guerrilla warfare campaign of resistance. We know that our troops are serving honorably in a tremendously difficult environment. All of America is proud of our all volunteer force now serving in Iraq and the region.

Despite the efforts of U.S. personnel, we have not adequately addressed the domestic security crisis in Iraq. We cannot ignore that women and young girls are being victimized with terrible consequences. These crimes do not just affect individual women but the way women are viewed and the role they will play in a new Iraq.

We cannot be silent about the abuse and violence that has come to women

and girls in liberated Iraq. The Schumer amendment is our opportunity today to tell the administration that we will not tolerate silence on the treatment of women and girls in Iraq.

Mr. President, I commend the Senator from New York for bringing this issue to the Senate for the reasons he stated in order to allow us to know when our troops are going to be home. But, as I mentioned, I add another dimension to why it is so important to put a police force and have a trained police force in Iraq and on the ground there.

I would recommend to all of my colleagues that they take the time to pick up the New York Times from yesterday and read the article I referred to, which is a front page article: "Rape (And Silence About It) Haunts Baghdad." I will read from the beginning of that article:

In her loose black dress, gold hairband and purple flip-flops, Sanariya hops from seat to seat in her living room like any lively 9-year-old. She likes to read. She wants to be a teacher when she grows up, and she says Michael, her white teddy bear, will be her assistant.

But at night, the memory of being raped by a stranger seven weeks ago pulls her into its undertow. She grows feverish and has nightmares, her 28-year-old sister, Fatin, said. She cries, "Let me go!"

"I am afraid of the gangsters," [she says].

Every one of our colleagues should read the Human Rights Watch report that has just been released titled "Climate of Fear, Sexual Violence and Abduction of Women and Girls in Baghdad." That report says that many of the problems in addressing sexual violence and abduction that are increasing in Iraq against women and girls derived from the United States-led coalition force's and civilian administration's failure to provide public security in Baghdad.

We went to war in Iraq. We have heard everyone say it was to restore freedom. Let's make sure the young girls in Iraq have that security and that freedom as well. They do not have it today. The amendment by the Senator from New York puts us on track. We need to follow this in Iraq. I commend the Senator for the amendment and I thank the manager of the bill for accepting it.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 1285 THROUGH 1298, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments. The first is an amendment in the amount of \$2 million from available funds for the Software Engineering Institute. The second is \$10 million from O&M funds for civil-military programs and the innovative readiness training program. The third is \$10 million for the missile procurement program set aside for assured access to space. The next one is an amendment regarding a study of the mail delivery in the Middle East. The next amendment is to conform the appropriation provision relating to the use of RDT&E funds De-

fense-wide. The next amendment is to make available from amounts available for research, development, test, and evaluation \$4 million for the Center for Adaptive Optics. The next is to make available \$1 million from amounts available for RDT&E for completion of the Rhode Island Disaster Initiative. The next is setting aside \$8 million from amounts available for the death gratuity payments for the fiscal year 2004 on behalf of Senator WARNER. The next is to make available from amounts available for shipbuilding and conversion \$20 million for the DDG-51 modernization planning program. The next is to provide for appropriations for the Army Museum of the Southwest. The next is to provide for the use of funds for privatization or transfer to another Federal agency of the prison guard functions for Fort Leavenworth, KS. The next provides for the purchase of Humvee tires. The next is to make available from amounts available \$2.5 million for the Lewis and Clark Bicentennial Commemoration Activities. The next is to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report.

All of these amendments have been cleared on both sides and have been referred to my good friend from Arizona for his review.

I send them to the desk and ask unanimous consent that they be presented en bloc so they might be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1285 through 1298 en bloc.

Mr. STEVENS. Mr. President, while the clerk is examining those, I have a new partnership in the Senate. My good friend from Nevada has joined the club of the admirers of the Incredible Hulk.

Mr. REID. I liked the applause. That was nice.

The PRESIDING OFFICER. Is there further debate on the amendments, as offered?

If not, the question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

#### AMENDMENT NO. 1285

(Purpose: To make available from amounts available for Operation and Maintenance, Army Reserve, \$2,000,000 for a Software Engineering Institute)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

#### AMENDMENT NO. 1286

(Purpose: To provide up to \$10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

#### AMENDMENT NO. 1287

(Purpose: To increase by \$10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to \$10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

#### AMENDMENT NO. 1288

On page 120, insert the following on line 18: "SEC. STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST."

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issues during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operation Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—No later than 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

#### AMENDMENT NO. 1289

(Purpose: To conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision)

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

#### AMENDMENT NO. 1290

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Air Force, \$4,000,000 for the Center for Adaptive Optics)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$4,000,000 may be available for adaptive optics research.

#### AMENDMENT NO. 1291

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, \$1,000,000 for the completion of the Rhode Island Disaster Initiative)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

## AMENDMENT NO. 1292

(Purpose: To make available from amounts available for military personnel, \$8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from \$6,000 to \$12,000)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to \$8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from \$6,000 to \$12,000.

## AMENDMENT NO. 1293

(Purpose: To make available from amounts available for Shipbuilding and Conversion, Navy, \$20,000,000 for DDG-51 modernization planning)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIPBUILDING AND CONVERSION, NAVY", up to \$20,000,000 may be available for DDG-51 modernization planning.

## AMENDMENT NO. 1294

(Purpose: To provide appropriations for the Army Museum of the Southwest)

At the appropriate place, insert:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "Operation and Maintenance, Army", up to \$4,000,000 may be used for the Army Museum of the Southwest at Ft. Sill, Oklahoma.

## AMENDMENT NO. 1295

(Purpose: To limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas)

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

## AMENDMENT NO. 1296

(Purpose: To provide funds for the purchase of HMMWV tires)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II, under the heading "Operation and Maintenance, Marine Corps", up to \$6,000,000 may be used for the purchase of HMMWV tires.

## AMENDMENT NO. 1297

(Purpose: To make available from amounts available for National Guard Personnel, Army, \$2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, \$1,500,000 for such activities)

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to \$2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

## AMENDMENT NO. 1298

(Purpose: To prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation)

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1280 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending Kennedy amendment No. 1280 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 1299

Mr. STEVENS. Mr. President, I have another portion of the managers' package. The amendment I send to the desk has been agreed to on both sides. I ask for its immediate consideration and adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KENNEDY, for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON, proposes an amendment numbered 1299.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

## AMENDMENT NO. 1299

(Purpose: To limit the use of funds for converting to contractor performance of Department of Defense activities and functions)

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).



(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor this amendment to make sure that competitions between civilian Defense Department employees and private companies are fair. The Department of Defense has stacked the deck against Federal employees. The administration is seeking to privatize much of the Federal workforce—to replace dedicated Federal workers with cronyism and patronage.

The Kennedy amendment does not stop privatization. Yet it ensures that competitions between civilian Defense Department employees and private companies are fair. It puts Federal employees on an equal footing with private contractors. It says that you cannot win competitions for Federal jobs by denying health care benefits to your employees. It makes sure privatization does not come at the expense of health benefits for employees. Government contracts should not be won by denying health benefits to hard-working Americans.

The Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to privatize 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. To speed up the process, the Bush administration changed the rules for public/private competitions. The new rules stacked the deck against employees, and made it harder for them to compete for their own jobs. It created streamlined competitions that are not even based on cost savings. The employees cannot even submit their own lowest bid. These new rules are unfair and inefficient. They will likely end up costing more to American taxpayers.

I stand up for an independent Federal workforce. We should not replace good Government jobs with bad private sector jobs. A company should not be able to win a bid because it saves money by denying health care benefits for their employees. Privatization should not come on the backs of the employees. Our economy is in trouble. Health care costs are rising—and millions of Americans lack any health insurance. Why does this administration want to make this problem even worse?

Our democracy depends on a strong civil service. We need a civil service in this country that is independent, reliable, and free of cronyism and political patronage. We are trying to spread democracy to Iraq and to nurture new democracies around the world. Yet right here at home, there are some who want to get rid of a pillar of democracy—our independent Federal workforce.

As a Senator from Maryland, I am so proud to serve over 100,000 Federal employees. I wish you could meet them the way I do—on the job and at the supermarket. I represent people who are Nobel Prize winners at the National Institutes of Health and the National In-

stitute of Standards and Technology. I represent FBI agents. I represent the National Security Agency, and the faculty of the U.S. Naval Academy.

I know what Federal employees do. They work hard every day. They did not get their jobs because they volunteered on someone's campaign. The civilian employees at the Defense Department work hard to support our troops and to protect our Nation. They are committed to securing the homeland, and to making sure our soldiers are ready to protect us.

If we are going to contract out Defense Department work, we need to be very careful. It is a matter of national security. It is a matter of homeland security. America's military bases and facilities are all potential terrorist targets. Those who work there must be trusted and carefully screened. Yet the Department of Defense wants to get rid of trusted employees who have served our Nation for years—and replace with who knows what. What would happen if the private company changed ownership, or is bought by a foreign company? What safeguards are there to protect our military and our military infrastructure?

That is why I am cosponsoring the Kennedy amendment. This amendment simply calls for civilian Defense Department employees to be treated fairly when they are competing for their own jobs. Federal employees' jobs are on the line. The independence of our Federal workforce is on the line. At the very least, the competition should be fair. I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, it was necessary to handle it separately because it was already a pending amendment, and it had to be withdrawn.

I now ask for its consideration and adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1299) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just briefly let me say this: I know my tie isn't much, but I have been advised by staff and others it is sure better than seersucker.

#### AMENDMENT NO. 1300

Mr. STEVENS. Mr. President, I send a further amendment to the desk and state that this is separate and apart from the managers' package. It is an amendment I submit on behalf of Senator HATCH. It has not been cleared by my friend from Arizona. When the title is read, it will be apparent to the Members why.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 1300:

#### AMENDMENT NO. 1300

(Purpose: To appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II)

After section 8123, insert the following:

#### TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II

##### SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.

(a) PAYMENT OF COMPENSATION REQUIRED.—Subject to the availability of appropriated funds Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) COMPENSATION.—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of \$10,000.

(c) IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) TREATMENT AS FORMER PRISONER OF WAR.—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) TIMING OF PAYMENT.—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) PRIORITY IN PAYMENTS.—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) FUNDING.—(1) From funds available otherwise in this Act up to \$49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of



September 30, 2005, shall revert to the Treasury as of that date.

#### SEC. 903. DEFINITIONS.

In this title:

(1) **FORMER PRISONER OF WAR.**—The term “former prisoner of war” means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) **JAPANESE COMPANY.**—The term “Japanese company” means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) **WORLD WAR II.**—The term “World War II” means the period beginning on December 7, 1941, and ending on August 8, 1945.

Mr. HATCH. Mr. President, the amendment I offer today, entitled the Resolution of Claims of American POWs of the Japanese Act of 2003, is important because it recognizes the struggle to compensate American POWs once held and forced into slave labor for private Japanese companies during World War II.

For those of my colleagues who aren't aware of what our valiant soldiers endured, please let me enlighten you.

On April 9, 1942, Allied forces in the Philippines were forced to surrender Bataan to the Japanese. Ten thousand to 12,000 American soldiers were forced to march some 60 miles in broiling heat. We have all heard of this deadly trek, known as the Bataan Death March.

What most people do not realize is, after a lengthy internment under horrific conditions, thousands of these POWs were shipped to Japan in the holds of freighters known as “Hell Ships.” Once in Japan, many of these POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During the war, over 27,465 Americans were captured and interned by the Japanese; tragically, only 16,000 made it home.

Let me tell you about some of these brave men.

At our Judiciary Committee hearing a few years ago, we heard from some of these remarkable veterans who put a human face on this tragic part of history. They are all heroes.

I remember so well Mr. Bigelow, who, during his internment lost his leg from a mining accident and the lack of proper medical treatment. At a height of 6 feet, 4 inches, Mr. Bigelow weighed less

than 100 pounds at the time of his release. Tragically, he died last week—without ever receiving the recognition that he deserved, recognition that we as a body can give him.

Mr. President, how many more have to die before we finally pay them the tribute they deserve?

At our hearing, we heard how the POWs stuck together and helped each other make it through each day and endured frequent beatings for doing so.

We heard how Mr. Tenney and others kept their spirits up by entertaining their buddies and trading with Japanese guards for a few meager supplies.

We heard how brave men like Terrence Kirk built a makeshift camera out of a stolen x-ray plate to document the condition of dying POWs so they would not be forgotten.

Let me say to the veterans who have shared their stories with me—and I know some of these men personally thank you. All of them are heroes for their bravery on the battlefields and in the prison camps.

They are heroes for the innumerable displays of compassion and love for their fellow man.

They are heroes for their perseverance through circumstances most of us can barely imagine.

They are living testaments to the indomitable human spirit that is the fabric of this great nation, the United States of America. Everyone here living in freedom owes them a tremendous debt of gratitude.

Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice and they were once again asked to sacrifice for their country.

Following the end of the war, for example, our government allegedly instructed many of the POWs not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Just ask the school children of today. Most know little about the Bataan Death March and nothing about the fact that our soldiers were shipped to Japan and sold as slave labor.

That is inexcusable. We must recognize their sacrifice, and the amendment I offer today supports that effort.

Through the years, various efforts have been made to offer some compensation for the POWs held in Japan.

Under the War Claims Act, our government has made meager payments of a dollar a day for missed meals and \$1.50 per day for lost wages. Clearly this is inadequate.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, the former POWs in Japan have attempted through the courts to seek compensation from the private companies which profited from their labor.

What role has our government played in this quest?

In the Holocaust litigation, the U.S. played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement was an invaluable step toward moving forward from the past.

Here, in contrast, there has been little effort by our government, through the State Department or otherwise, to help these POWs with their claims. In fact, quite the opposite has been true.

In response to a request from the court, the Justice Department actually filed a statement of interest which was very damaging to the claims of the POWs—stating in essence that their claims were barred by the 1951 Treaty of Peace with Japan and the War Claims Act. Personally, I don't think the government had the authority to waive these claims. Unbelievably, the Justice Department continues to argue in these court cases on behalf of the Japanese companies and against our POWs.

This contrasting treatment raises the legitimate questions of whether this administration has a consistent policy governing whether and how to weigh in during these World War II-era cases? From a moral perspective, the claims of those forced into labor by private German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration.

Why?

I have asked this question to the State Department, and have not received a satisfactory response.

What can the United States of America—the country these men sacrificed for—do to resolve this matter in a fair and appropriate manner?

With the help of Senator FEINSTEIN, in 2000, we moved through the Judiciary Committee S. 1902, the Japanese Records Disclosure Act. This bill set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. government after appropriate screening for sensitive information such as that pertaining to national security.

That bill, however, was not enough. We need to do more.

The Senate attempted to fulfill our government's responsibility to these men by including a provision in S. 2549, the fiscal year 2001 Department of Defense authorization bill. This legislation would have allowed payments of a \$20,000 gratuity to POWs from Bataan and Corregidor who were forced into labor. But unfortunately, the provision was stripped in conference, due in large part, I believe, to pressure from the previous Administration.

We also passed S. Con. Res. 158, a resolution at the end of the 106th Congress

which stated the moral force of the claims of the POWs and expressed the sense of the Congress that the United States government should use its best efforts to "facilitate a dialogue" to discuss a resolution to the claims. But this has received a less than satisfactory response from the administration.

We must ask ourselves—can Congress do more?

Can the executive branch do more?

I think so.

We must.

And it is for that reason that I am offering the Resolution of Claims of American POWs of the Japanese Act of 2003.

This legislation would show these POWs that we have not forgotten them and that we will not let them be victimized by the Japanese companies a second time.

My amendment would authorize the payment of compensation to former prisoners of war for forced labor for Japanese companies during World War II. Those surviving POWs who are still living—and there are not many—would receive \$10,000. This is a mere fraction of what they truly deserve, and I intend to seek additional amounts next year to fulfill our obligation to our heroes.

Mr. President, this legislation is essential.

Congress is the last recourse for these POWs.

Instead of helping, our government has let them down. And so, if we do not stand up for them, who will?

I urge my colleagues to join with me in this effort to do what we can to show these brave POWs that their country has not forgotten them; it is the least we can do.

Mr. MCCAIN. Mr. President, in relation to the amendment offered by the Senator from Utah, Mr. HATCH, related to compensation for American prisoners of war in Japan, I do not object but must of necessity vote "present" because, as a former prisoner of war in Vietnam, I cannot in good conscience vote in favor of a measure that sets a precedent for compensation of American prisoners of war that could in some fashion be viewed as benefiting me personally.

Mr. STEVENS. Mr. President, this is a prisoner of war provision offered by Senator HATCH. We have agreed to start the process of dealing with claims of these individuals. Since our good friend from Arizona was in fact a prisoner of war, he did not want to participate in the adoption or consideration of this amendment. We are honoring his request. I ask for the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1300) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield to my friend from Hawaii who has the Democratic portion of the managers' package.

AMENDMENTS NOS. 1301 THROUGH 1316, EN BLOC

Mr. INOUE. Mr. President, I send to the desk 16 amendments as part of the managers' package and ask unanimous consent for their immediate consideration en bloc.

They are: Senator FEINSTEIN amendment on secure cell phones; Senator BOXER amendment on Shortstop, an Army program; Senator DURBIN amendment on the 932nd Airlift Command; Senator MIKULSKI amendment on Project Ancile; Senator MIKULSKI amendment on knowledge management fusion; Senator SCHUMER amendment on Large Energy National Shock Tunnel; Senator DORGAN amendment on ultra-low-power battlefield sensor system; Senator BIDEN amendment on nuclear debris collection; Senator BAYH amendment on MIA tank transmissions; Senator INOUE amendment on civil rights history in the Army; Senator HARKIN amendment on airplane parts; Senator WYDEN amendment on Iraq reconstruction contracts; Senator BOXER amendment on travel expenses; Senator BIDEN amendment on C-5s; Senator SCHUMER amendment on Iraq report; Senator BYRD amendment on travel credit card checks.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes amendments numbered 1301 through 1316 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1301

(Purpose: To make available from amounts available for Procurement, Defense-Wide, \$20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "PROCUREMENT, DEFENSE-WIDE", to \$20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

AMENDMENT NO. 1302

(Purpose: To make available from amounts available for Research, Development, Test and Evaluation, Army, \$5,000,000 for procurement of Shortstop Electronic Protection Systems for critical force protection)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development efforts.

AMENDMENT NO. 1303

(Purpose: To require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

AMENDMENT NO. 1304

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", up to \$3,000,000 may be used for Project Ancile.

AMENDMENT NO. 1305

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$2,000,000 may be used for Knowledge Management Fusion.

AMENDMENT NO. 1306

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Army, \$3,000,000 for the Large Energy National Shock Tunnel (LENS))

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

AMENDMENT NO. 1307

(Purpose: To provide funds for the Ultra-low Power Battlefield Sensor System)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional \$7,000,000 may be used from the total amount appropriated by title IV "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", for Ultra-low Power Battlefield Sensor System.

AMENDMENT NO. 1308

(Purpose: To require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices)

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to

terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

#### AMENDMENT NO. 1309

(Purpose: To make available amounts available for Operation and Maintenance, Army, up to \$15,000,000 for upgrades of M1A1 Abrams tank transmissions)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY" up to \$15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

#### AMENDMENT NO. 1310

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to \$2,000,000 may be used to promote civil rights education and history in the Army.

#### AMENDMENT NO. 1311

(Purpose: To require reports on safety issues due to defective parts)

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be made mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—The Comptroller General shall examine and report back to the congressional defense committees on:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

#### AMENDMENT NO. 1312

(Purpose: To require a report on the reconstruction of Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

#### AMENDMENT NO. 1313

(Purpose: To provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members)

At the end of section 8083, add the following:

"Not more than \$1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

#### AMENDMENT NO. 1314

(Purpose: To make available from amounts available for Aircraft Procurement, Air Force, \$19,700,000 for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program kits)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$19,700,000 may be available for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program (AMP) kits.,

#### AMENDMENT NO. 1315

(Purpose: To require a report on the establishment of police and military forces in Iraq)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

#### AMENDMENT NO. 1316

(Purpose: To continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of credit-worthiness for issuance of Government charge cards)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

"(3) This submission shall remain in effect for fiscal year 2004."

#### AMENDMENT NO. 1311

Mr. HARKIN. Mr. President, two weeks ago, the company Hydroform USA, its subsidiary Temperform, and three company managers were indicted for conspiracy and making false statements. This is just the latest event in

a long horror story that may still threaten the safety of both military and civilian aviation. And it raises serious questions, yet again, about our ability and commitment to root out defense fraud that attacks our taxpayers and our troops.

The story is told at length in a special issue of *Defense Week* dated July 3 and written by John Donnelly. It starts with a company called West Coast Aluminum Heat-Treating Company, which had a plant in La Mirada, CA. Many aluminum parts on airplanes and rockets are heat-threaten to strengthen the parts, reduce corrosion, and prevent cracking and fatigue. West Coast was paid to do this by a large number of airplane manufacturers and suppliers. But beginning in 1981, they did the heat treatment for far less time and at lower temperatures than required. They didn't falsified testing of the parts. This fraud went on undetected, on hundreds of thousands of parts, for fifteen years. The parts ended up on a long list of military airplanes, helicopters, and rockets from Boeing, Lockheed Martin, Northrop Grumman, and other contractors, as well as on many commercial planes and helicopters from Boeing, Airbus, and other manufacturers. In 1996, a West Coast foreman finally blew the whistle to Boeing.

Boeing, observed by the Federal Aviation Administration, eventually tested 1,634 parts for hardness and electrical conductivity. They found that 18 percent of the parts were critical, and that 11 percent of the parts did not meet specifications because of the fraudulent heat treatment. Tests on hundreds of other parts had similar results. But these tests may not reveal the full extent of the problems. Other, more informative tests that destroy the parts are needed to assess heat treatment well. And even parts supposedly tested may not be good, although Boeing claimed that subcontractors had tested many parts, the FAA found that six of the subcontractors could not document such testing; the other three subcontractors they contacted did have test records showing the parts were good, but when the FAA tested the parts, they found the parts did not in fact meet specifications.

Even though the fraud was revealed in 1996 and Boeing disqualified West Coast as a vendor in 1997, it took another year before Boeing and the Government bothered to let other customers know that the parts could be defective. They finally issued alerts on the Government-Industry Data Exchange Program called GIDEP, in 1998. For those two years other defense contractors continued to use West Coast. In addition, the alert that Boeing finally issued focused on "discrepancies" in paperwork, and claimed that the parts were fine.

Government oversight was equally weak. Although the FAA concluded that Boeing had violated federal regu-

lations because it did not adequately supervise its subcontractors, it said the statute of limitations had expired and hence it could not pursue enforcement action. Worse, the Defense Logistics Agency wrote reports suggesting that West Coast-treated parts were fine, based on a database of 253,736 parts. But they did not actually know which parts were from West Coast, and they knew that many of the parts in the database were not even made of aluminum.

In 1998, West Coast was sold, and in 2000 its two executives were convicted, sentenced, and fined. The plant was bought by Temperform, which proceeded to commit the same fraud on tens of thousands of additional parts. It has been said that history repeats itself, first as tragedy and then as farce. The Temperform replay of West Coast would be amusing if it weren't still tragic. Temperform fired the West Coast employees so that Boeing would approve the company as a vendor, then promptly rehired them. The same heat-treating fraud continued undetected, and another employee finally blew the whistle again in 2000. Despite the plant's history, Boeing did not audit Temperform until this time, and then allegedly found 37 deficiencies in their quality assurance processes.

To this date, neither Boeing nor anyone else has ever issued a GIDEP alert to let other companies know of the Temperform fraud. A Government safety alert, issued only in 2002, went only to Government agencies. Thus, Lockheed Martin continued to buy parts from Temperform for more than two years. Again, the Government accused Boeing of mismanagement but declined to do anything about it. The plant again was sold in 2002, and, as I mentioned, three company executives were recently indicted. One of those three, the manager in charge of heat-treating procedures, was one of the West Coast employees who were rehired.

That is all history. But I have not yet explained a key reason why this remains a continuing threat. Almost all of the testing of parts I mentioned was of commercial parts. The military services claim that they cannot identify which parts were treated by a particular company, even for safety critical parts. Typically major weapon system programs are now managed by private contractors, which then have a large number of subcontractors supplying parts. West Coast and Temperform contracted with many of those subcontractors. Apparently we cannot negotiate this maze to find which parts, even safety critical parts, were fraudulently treated. Thus, few military parts have been tested, and if they were found unsatisfactory, it is not clear how they would be replaced.

This is not the first time this problem has come up. Not long ago the Pentagon bought 780,000 chemical protective suits from a company called Isratex. We cannot find 250,000 of those suits either. And last year the Navy

could not find 42,000 defective oxygen masks.

My amendment attempts at least to examine several of these systemic issues. It requests that the Secretary of Defense report back to Congress by March 31, 2004, on efforts to find and test the parts that have been improperly heat-treated, and on notification of other customers that their parts may be defective. The report also is to look at how to implement a system for tracking safety-critical parts, and at standards and procedures for notification on future safety issues.

The amendment also asks the General Accounting Office to submit a report on issues regarding the prime contractor system that may be partly at fault here. The GAO is to look at both the oversight of subcontractors by the prime contractor—which is what they are paid to do—and the oversight and enforcement of prime contractors by the Department of Defense.

Hundreds of thousands of aluminum parts that are in our airplanes and helicopters today have not been properly strengthened. Many of these parts are safety-critical. Millions of people, civilian and military, may be at risk if a plane crashes due to a failure of one of these parts. We are at risk not only because of the fraud, but also because of the failure all the way down the line—by small subcontractors, huge plane manufacturers, and the Government—to catch the fraud, stop it in a timely manner, notify others at risk, track or test the parts, or hold anyone accountable for the oversight failures.

We must do better. This amendment is a small step toward fixing the problems, and I intend to pursue this until I am confident such abuse cannot happen again.

#### AMENDMENT NO. 1316

Mr. BYRD. Mr. President, last year, Senator GRASSLEY and I had an amendment included in the Fiscal Year 2003 Defense Appropriations Act to crack down on the abuse of credit cards that are issued to Pentagon employees. Today, we offer an amendment to extend those provisions through fiscal year 2004.

The General Accounting Office has completed numerous studies on Government-issued charge cards. These reports have highlighted the Department of Defense as one of the worst abusers of those cards. Defense Department employees have been caught red-handed using their Government-issued credit card to pay for personal expenses such as luxury cruises, concert tickets, Internet gambling, and even adult entertainment. Incredibly, these abusive charges are being underwritten by the U.S. taxpayer, to the tune of untold millions each year.

Based on this evidence, the GAO has recommended that DOD employees should undergo credit checks before they are issued a Government charge card. That is exactly what the amendment offered last year by Senator GRASSLEY and me required.

The GAO recently reported to our staffs that despite progress in cracking down on some types of abuse, the Pentagon has not complied with last year's Byrd-Grassley amendment. That is why we offer an amendment to this Defense bill to extend last year's provision of the Defense Appropriations Act to apply in fiscal year 2004.

The Pentagon should be on notice that it has to straighten out its act with regard to charge card abuse, as well as a whole host of other accounting problems. Ignoring laws that require the Department of Defense to crack down on these problems is a serious mistake. Congress should send the message loud and clear that we expect them to comply with the Byrd-Grassley amendment on credit card abuse.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MUSCULAR DYSTROPHY RESEARCH/MUSCLE RESEARCH CONSORTIUM

Mr. COLEMAN. Mr. President, I rise today to speak in support of funding for the Muscular Dystrophy Research/Muscle Research Consortium to study muscular disease. Funding will allow the consortium to conduct critical research on muscular dystrophy through the Department of Defense Peer Reviewed Medical Research Program. I note that the committee has stated its support for this very worthwhile program, in the report to accompany the fiscal year 2004 DoD appropriations bill. I urge the committee when conferencing with the House to include full funding for this program.

Mr. STEVENS. The Senator is correct. The committee has noted its support of the program, and I assure my friend from Minnesota that the committee will give its full consideration to this program while conferencing with the House.

Mr. COLEMAN. I thank the chairman for his support, and I also note that the House has included funding for this program. I look forward to working with the chairman to protect this project during conference.

#### ROBOSCOUT PROGRAM

Mr. FEINGOLD. I would like to ask a question of the managers of the bill: It is my understanding that the bill zeros out funding for the Roboscout program, also called Combat Zones That See.

Mr. STEVENS. Yes, that is correct.

Mr. FEINGOLD. It is further my understanding that zeroing out funding for this program will prohibit any research and development on Roboscout?

Mr. STEVENS. That is correct. The Department of Defense should not be engaging in any work on the Roboscout program.

Mr. INOUE. I concur with the Chairman. His statements express our intent for this program quite well.

#### WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT

Mr. FEINGOLD. Mr. President, I have long advocated the creation of 23

additional full-time National Guard Weapons of Mass Destruction Civil Support Teams and have supported the location of at least one team in each state and territory of the United States. I am pleased that last year the Congress passed—and the President signed into law—a defense authorization bill that required that these important teams be created.

I am also pleased that earlier this year the Senate passed a defense authorization bill that includes \$88.4 million for 12 new teams in fiscal year 2004. I thank the Chairman and Ranking Member of the Armed Services Committee for their support on this issue, and for including language in the report accompanying the fiscal year 2004 DoD authorization bill urging the Pentagon to include funding for the remaining eleven teams in its fiscal year 2005 budget request.

I also want to thank the Chairman and the Ranking Member of the Defense Appropriations Subcommittee for their work on this issue. I wonder if the managers would engage with me in a brief colloquy on this subject.

Mr. STEVENS. I would.

Mr. INOUE. Yes.

Mr. FEINGOLD. It is my understanding that the bill as amended by the Chairman includes the full \$88.4 million authorized by the Armed Services Committee for 12 new Weapons of Mass Destruction Civil Support Teams. I ask the Chairman of the Committee and the Senator from Hawaii [Mr. INOUE] if that is the case?

Mr. STEVENS. Yes.

Mr. INOUE. Yes.

Mr. FEINGOLD. So it is your understanding that the funding included in the bill currently before the Senate includes sufficient funding to man, equip, and train 12 new civil support teams?

Mr. STEVENS. That is my understanding.

Mr. INOUE. Yes.

Mr. FEINGOLD. I thank the managers.

#### ABRAMS SYSTEM ENHANCEMENT PROGRAM

Mr. VOINOVICH. Mr. President, as we consider appropriations for our men and women in uniform for the upcoming fiscal year, I would like to take this opportunity to express my strong support for the M1A2 System Enhancement Program.

As our experience in Iraq has demonstrated, the Abrams tank remains crucial to the efforts to the United States Armed Forces. The tanks of the 3rd Infantry Division were among the first on the ground in Iraq. However, the armed reconnaissance regiment of the CounterAttack Corps (CATK)—the 3rd Armored Cavalry Regiment (ACR)—is fighting with older, less capable M1A1 tanks.

The M1A2 System Enhancement Program retrofits existing tanks to incorporate the most sophisticated technologies, allowing them to best communicate with and protect the rest of the CounterAttack Corps. I believe it is critical to provide our soldiers in the

3rd Armored Cavalry Regiment—the eyes and ears of the CounterAttack Corps—with the most modern equipment available to them.

The State of Ohio, home to the Lima Army Tank Plant, plays a critical role in this modernization effort. The thousands of men and women who have worked at the Lima Army Tank Plant have played a long and distinguished role in the history of the mighty Abrams. This continued during Operation Iraqi Freedom, when the plant's employees responded to a call by the Defense Department and within the period of just one week designed, tested, produced and shipped to Iraq armored protection to bolster the armor around the exhaust.

I look forward to working with my colleagues in the Senate and the House of Representatives in conference to ensure that sufficient funds are maintained to upgrade the tanks of the 3rd Armored Cavalry Regiment, better serving our men and women in uniform and the U.S. military in their efforts to promote peace, security and democracy in Iraq and other parts of the world.

Mr. SHELBY. Mr. President, I want to associate myself with the statement of Senator VOINOVICH regarding the importance of the M1A2 System Enhancement Program. I strongly support providing the necessary funding to modernize the 3rd Armored Cavalry Regiment (ACR) tank fleet. I would ask Chairman STEVENS and Senator INOUE to work with us to find a way to address this important issue in conference.

Mr. SPECTER. Mr. President, I rise today to join the junior Senator from Ohio and my colleague from Alabama, Senator SHELBY, to urge the Chairman of the Senate Appropriations Committee to ensure that the Fiscal Year 2004 Department of Defense Appropriations bill we send to the President provides funding for at least one squadron of Abrams M1A2 SEP tanks for the U.S. Army's 3rd Armored Cavalry Regiment.

Like all Americans, I proudly watched on the nightly news as the U.S. Army's Abrams tanks again proved themselves an indispensable asset in the recent war in Iraq.

A critical element in the success in those battles—and any likely future conflict—is the U.S. Army's CounterAttack Corps. The armed reconnaissance regiment of the CATK is the 3rd Armored Cavalry Regiment, which needs the most up to date equipment to best protect our fighting men and women. The 3rd ACR must be upgraded to the Abrams M1A2 SEP to reflect new technologies.

The ground combat vehicle defense industrial base is critical to our national security as we transform our military services into more lethal, survivable and sustainable entities, particularly as we prepare for new programs such as Future Combat Systems.

I am proud that Scranton, Pennsylvania is a critical part of that industrial base. In Scranton, some two hundred highly dedicated, highly skilled workers—many of whom are members of UAW Local 1193—manufacture critical components of the M1A2 SEP, such as turret race rings, LRUs and suspensions.

I look forward to working with my colleagues in Conference to ensure that the fighting men and women of the 3rd ACR and the workers that together make up the backbone of our national security are protected well into the future by providing funding for at least one squadron of M1A2 SEP tanks in the Fiscal Year 2004 Department of Defense Appropriations Act.

Mr. DEWINE. Mr. President, I rise today to join my colleagues to highlight the absolutely critical need to fund the Abrams tank program and the M1A2 System Enhancement Program, specifically.

We have a moral obligation to our military forces to see that they are armed with the best equipment available when they put their lives on the line. The M1A2 System Enhancement Program is an important step in achieving this goal because it will help ensure the tank crews and the troops they protect get the highest, cutting edge technology possible. Like Senator VOINOVICH, I am extremely proud of the employees at the Lima Army Tank Plant, who themselves take such pride in the important work they do every day to make sure our tanks continue to be the best in the world.

Mr. STEVENS. I would like to thank my colleagues for their remarks regarding the M1A2 System Enhancement Program. I understand their concern with the need to provide resources to allow for the modernization of the 3rd Armored Cavalry Regiment tank fleet, and I look forward to working with them as we begin conference with the House to address this important matter.

#### NETRP PROGRAM

Mr. SESSIONS. As the Chairman and Ranking Member are aware, for the last 7 years, since 1997, the Department of Defense has sponsored a unique biomedical research effort called the Neurotoxin Exposure Treatment Research Program or NETRP. This program conducts medical research that has wide applications in protecting and treating our soldiers, as well as advancing medical research that can lead to a cure for Parkinson's disease, which afflicts more than one million Americans.

The program addresses the protection of American soldiers from a wide range of exposures including chemical warfare agents, potential toxins in military uniforms and jet fuel, and radiation from radar and communications systems. Findings from this military research then have broad application to those diagnosed with Parkinson's and other neurodegenerative disorders.

This year's House of Representatives DOD Appropriations bill includes an increase in NETRP funding from the 2003 level of \$21.25 million to \$31 million—a solid investment in protecting our soldiers that can have the added benefit of saving or vastly improving the lives of millions of Americans.

Will the Chairman consider accepting the House proposal in conference?

Mr. STEVENS. I can assure the Senator from Alabama that I will give consideration during conference to the House proposal to increase NETRP funding levels.

Mr. SESSIONS. I thank the Chairman.

Mr. DURBIN. I join my colleague from Alabama in thanking the Chairman for his assurance to give this provision all due consideration during conference, and urge our Ranking Member, the distinguished Senator from Hawaii, to likewise give consideration to this vital research to protect our soldiers, as well as benefit our citizens with neurodegenerative diseases.

Mr. INOUE. I would be happy to join in that assurance.

#### EC-130J MODIFICATIONS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee regarding Special Operations Command's information warfare platform, the ED-130J, which is funded in the Defense Appropriations bill.

The 193rd Special Operations Wing (SOW), Pennsylvania Air National Guard, conducts information warfare missions such as psychological operations (PSYOP) civil affairs radio and television broadcasts, Command Control Communications Counter Measures (C3CM) and limited intelligence gathering. Because many of the missions carried out are often classified, the public at large usually does not know the extent to which this unit has shaped events prior to conflict. In many cases, their mission has made conflict unnecessary or has reduced the loss of life.

Last year, the Senate provided \$87 million for a C-130J aircraft to be purchased and converted into an EC-130J platform that is used by the 193rd SOW. This sum was enough to purchase a C-130J, but not the unique components that are to be fitted into the platform. I thank the Committee for its support of this important platform by its inclusion of \$10 million in the Senate Appropriations bill for fiscal year 2004. I urge SOCOM to fully fund the unique components that will allow for the conversion of one C-130J into an EC-130J aircraft.

I ask the distinguished Chairman and Ranking Member of the Defense Appropriations Subcommittee to support the EC-130J modifications for Special Operations Command.

Mr. STEVENS. Mr. President, this is an important platform for SOCOM, as we have clearly demonstrated by our support in this bill.

These modifications are important to the mission of SOCOM and the reason for inclusion of \$10 million of additional funding in the fiscal year 2004 Defense Appropriations bill. The Committee also approved funds that could be used for these modifications in the Supplemental Appropriations bill for fiscal year 2003.

Mr. INOUE. Mr. President, I would also expect the Department to give full consideration to supporting this worthwhile project.

Mr. SPECTER. Mr. President, as the Senate debates the fiscal year 2004 Department of Defense Appropriations bill, I urge my colleagues to consider the importance of protecting our Naval ships and sailors, particularly in strategic ports, such as the port of Philadelphia, where heavy commercial and military traffic coexist. I strongly believe that it is critical we do everything we can to ensure the installation of safeguards against future acts of terrorism. We must avoid another tragedy like the October 12, 2000 terrorist attack on the *U.S.S. Cole* in Yemen which claimed the life of 17 U.S. Sailors.

Recently, quad hull steel caisson technology has been identified as an effective protection mechanism for such ships and their crews. I encourage the Defense Appropriations Committee to pursue a demonstration project focusing on this technology that can lead to full production of these quad hull modules on a timely basis.

Mr. FEINGOLD. Mr. President, I rise to explain my vote on the amendment offered by the distinguished Senator from West Virginia to H.R. 2658.

I share the Senator's concerns about our National Guard troops being deployed overseas for long deployments. I understand that the families of these troops are anxiously awaiting the return of their loved ones. And I, too, am deeply concerned about our troops being sent on dangerous and ill-conceived missions abroad.

I regret, however, that I could not support this amendment because, once the brave men and women of our Armed Forces are deployed, we should not micromanage their deployment. The ability of our Reserve and Guard Forces to work together seamlessly with the regular Active Duty Forces is critical. I am concerned that if we limit the length of deployment of our Guard and Reserve troops, we will fundamentally change this "Total Force" capability—and that is not a step that is in our interest today.

Before making this vote, I closely consulted with the National Guard in my State. They expressed to me the concerns I have noted. They expressed their concern that limiting the length of troop deployment will make them unusable for the Defense Department and therefore irrelevant to the American people. They do not want to become second-tier forces. Any change to their status should be carefully crafted in consultation with them, and should be carefully debated here to ensure

that the national security interests of the United States are fully protected.

But the Senator from West Virginia was right to bring this debate to the floor. The Guard and Reserve have been, and continue to be, heavily relied on by our country. This puts a tremendous strain on these brave men and women and on their families and we should look into ways in which we can reduce this burden. We should also ensure that our leaders are up front with the American people about the nature of the commitments that we undertake and the costs that they will be asked to bear in any military deployment. This clarity was not forthcoming in the debate over going to war in Iraq, and it is still not forthcoming today. The elected representatives of the American people are pressing the administration for answers, but too often, timeframes and budgets and straightforward assessments are elusive. I will continue to join my colleagues in fighting to ensure that Congress and the American people are given the answers they deserve to these vital questions.

Mr. VOINOVICH. Mr. President, I would like to take a moment to address my strong concern with the safety of U.S. military helicopters. As my colleagues may be aware, yesterday, a MH-53E Sea Dragon helicopter crashed roughly 10 miles southwest of the island of Sicily, which is home to U.S. Naval Air Station Sigonella. Four members of the U.S. Armed Forces lost their lives in this tragic accident.

During my time in the Senate, I have continued to raise the issue of aviation safety with our Defense Department. I believe it is crucial that we provide the funding necessary to provide for the safety of our men and women in uniform who ride in military helicopters—including funds for required maintenance, training, and modernization.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers—Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs—who lost their lives when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at that time, the United States owes David, Kevin, and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John chapter 15:13, "Greater love has no man than this, that a man lay down his life for his friends."

As such, I strongly support a section of the report accompanying the version of the Defense Appropriations Act for fiscal year 2004 passed by the House of Representatives, H.R. 2658, which calls on the Army to provide a report describing mishaps sustained by Apache aircraft in Operation Iraqi Freedom. Specifically, the language reads:

The Committee is additionally concerned about the unusually high number of mishaps

sustained by Apache aircraft in Operation Iraqi Freedom. The high incident rate may have resulted from the extensive number of security support and non-traditional missions flown by aircraft, as well as adverse weather conditions. As such, the Army is directed to provide the congressional defense committees a report, no later than January 30, 2004, that enumerates and describes the Apache aircraft mishaps, the cause and to the extent known, the follow-up actions the Army is considering to address any systemic problems.

As we begin conference on the Defense Appropriations Act of fiscal year 2004, I urge my Senate colleagues to retain this important provision.

Mr. CHAMBLISS. Mr. President, I rise today in support of Air Force Procurement funds to purchase additional kits for the C-5 Avionics Modernization Program, AMP.

The Air Force requested these kits in their Unfunded Priorities List for Fiscal Year 2004, and both the House and Senate Defense authorization bills provided additional funding. These funds would be used to help put the AMP installation back on schedule to be completed by fiscal year 2007.

The Senate defense authorization bill includes a requirement to update the Mobility Requirements Study. I believe this study will almost certainly conclude that we do not have enough airlift capability to support our requirements. With this in mind, now is not the time to decommission any airlift assets. We are currently retiring C-141 aircraft. And the C-17 is a magnificent plane which has performed exceptionally well in Operation Iraqi Freedom and Enduring Freedom. This year's budget provides for 11 new C-17s, nevertheless we cannot purchase C-17s fast enough to fulfill our airlift requirements—that is why we need this C-5 avionics modernization program. This installation will extend the life and improve the capability of C-5s as well as contribute to our national defense for years to come.

The Air Force has purchased 10 AMP kits to date. The President's budget request only proposed funding for 18 kits. With the addition of monies to purchase more kits, the Air Force can achieve its most desirable schedule for purchasing kits and enhancing the C-5 fleet. The program is currently ahead of schedule and has performed exceptionally well in testing.

The need for the C-5s capabilities is very clear. The C-5 carried about half of all the cargo, 48 percent, in both Iraqi Freedom and Enduring Freedom—flying 28 percent of the sorties in Iraqi Freedom and 35 percent of the sorties in Enduring Freedom. The AMP is necessary for every plane in the fleet. In fact, General Handy, the Commander of U.S. Transportation Command and Air Mobility Command, has said that he strongly supports additional funding and wants to see the C-5 fleet get the avionics and safety upgrades of AMP as soon as possible.

The AMP modification will make the fleet compliant with the new Global

Air Traffic Management standards established by the International Civil Aviation Organization. By making the planes compliant with the new Global, GATM, standards, the C-5 can use shorter flight paths and consume less fuel, thus operating more efficiently and will be cheaper to maintain.

Even if the Air Force decides to retire some of the older C-5s in the next 10 years, or move them completely to the Guard and Reserve, the planes must have these upgrades to be viable and safe in high-density flight areas, in particular Europe and the Pacific. These planes will be less expensive to maintain for their lifespan of flight.

Mr. FEINGOLD. Mr. President, I rise to add my thoughts to the debate on the Defense appropriations bill for fiscal year 2004.

I wish to take this opportunity to thank all our soldiers, sailors, airmen, marines, and members of the Coast Guard for their hard work in the ongoing fight against terrorism, their efforts in Iraq, and the many other missions to which they have been assigned. These dedicated men and women have volunteered to undertake, often at great personal sacrifice, the task of protecting the American people and our way of life. We owe a huge debt of gratitude to the members of the United States Armed Forces for their selfless service.

I am pleased that this bill appropriates an average pay raise of 4.15 percent for military personnel and lowers servicemembers' out-of-pocket housing costs from 7.5 to 3.5 percent.

I am pleased that the Appropriations Committee has fully funded at the authorized level the 12 additional full-time Weapons of Mass Destruction Civil Support Teams, WMD-CST, included in the Senate-passed Department of Defense authorization bill. These teams, which are staffed by full-time members of the National Guard, will play an integral part in aiding first responders in their crucial work in the immediate aftermath of a terrorist attack. I have been a longtime supporter of the creation of these teams and am encouraged that we are well on our way to assuring that every State will have at least one full-time WMD-CST.

I am also pleased that funding for controversial data-mining programs, like the Terrorism Information Awareness Program and the Combat Zones That See Program, have been zeroed out in this bill. The untested and controversial intelligence procedure known as data-mining is capable of maintaining extensive files containing both public and private records on each and every American. Most Americans believe their private lives should remain private. Data-mining programs run the risk of intruding into the lives of individuals who have nothing to do with terrorism but who trust that their credit reports, shopping habits, and doctor visits would not become a part



of a gigantic computerized search engine, operating without any controls or oversight.

Unfortunately this enormous spending bill also contains many unnecessary items. I continue to be deeply concerned about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills, a concern I have voiced every year that I have been a Member of this body. This bill includes \$9.1 billion for missile defense, despite the fact that it is an unproven program. We also continue to pour billions of dollars into duplicative fighter aircraft programs. These are just two of many examples of excess.

Despite the almost \$370 billion appropriated, this bill still does not accurately reflect the true cost of the defense budget. This bill stays within the Department of Defense allocation only by rescinding \$3 billion from prior supplemental appropriations and counting those funds against this year's spending. Even worse, this bill contains absolutely no funding for the operations in Iraq and Afghanistan, relying instead on future supplemental appropriations. These accounting tricks will not stop the ballooning of the national debt.

I was also disappointed that the Senate tabled the amendment to fully fund the President's AIDS initiative. I was thrilled by the commitment to fighting AIDS articulated by President Bush in his State of the Union Address, and I believe that the Congress should follow through on his historic and admirable pledge. Because I recognize that the AIDS pandemic is so devastating, because the pandemic causes the kind of instability and social collapse that present real security problems, I supported this amendment. But before I did, I studied it carefully because I needed to be certain that the offset would not diminish the resources available to the men and women of our armed forces currently deployed in dangerous missions in Iraq and elsewhere. Close scrutiny gave me confidence that the senior Senator from West Virginia had carefully crafted the offset to ensure that it would not do harm to our troops.

I will vote for this bill. This legislation includes good elements, such as the pay increases for military personnel and the funding for the establishment of much-needed WMD-CSTs. However, poor fiscal practices and accounting gimmicks cannot hide the fact that expensive, unproven, and redundant weapons programs continue to drain away scarce resources.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. FRIST. Mr. President, the next vote will be the last vote of the

evening. The Senate will not be in session on Friday. We will reconvene on Monday and begin consideration of the Homeland Security appropriations bill.

As I previously announced, there will be no rollcall votes on Monday, although we hope Members will be prepared to give opening statements and offer amendments during Monday's debate.

The next votes will occur on Tuesday. We will alert all Senators as to the timing of those votes when they are scheduled. I will have more to say on the schedule when we close the evening.

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately following final passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk has read the bill for the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

Akaka	Clinton	Feinstein
Alexander	Cochran	Fitzgerald
Allard	Coleman	Frist
Allen	Collins	Graham (SC)
Baucus	Conrad	Grassley
Bayh	Cornyn	Gregg
Bennett	Corzine	Hagel
Biden	Craig	Harkin
Bingaman	Crapo	Hatch
Bond	Daschle	Hollings
Boxer	Dayton	Inhofe
Breaux	DeWine	Inouye
Brownback	Dodd	Jeffords
Bunning	Dole	Johnson
Burns	Domenici	Kennedy
Byrd	Dorgan	Kohl
Campbell	Durbin	Kyl
Cantwell	Edwards	Landrieu
Carper	Ensign	Lautenberg
Chafee	Enzi	Leahy
Chambliss	Feingold	Levin

Lincoln	Pryor	Snowe
Lott	Reed	Specter
Lugar	Reid	Stabenow
McCain	Roberts	Stevens
McConnell	Rockefeller	Sununu
Mikulski	Santorum	Talent
Murkowski	Sarbanes	Thomas
Murray	Schumer	Voinovich
Nelson (FL)	Sessions	Warner
Nelson (NE)	Shelby	Wyden
Nickles	Smith	

NOT VOTING—5

Graham (FL)	Kerry	Miller
Hutchison	Lieberman	

The bill (H.R. 2658), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

**The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID of Nevada, and Mrs. FEINSTEIN conferees on the part of the Senate.**

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1300

Mr. HARKIN. Mr. President, I was inadvertently off the floor when the manager of the bill offered a managers' amendment that dealt with providing certain reparations to former U.S. servicemen who were held captive in Japan during World War II and were used as slave laborers in Japanese companies during the duration of the war.

Had I been on the floor at the time that amendment came up, I would have spoken about it and might have taken exception to its inclusion. I would have done so not because I do not think the former slave laborers of Japan deserve compensation, but it is coming from the wrong source.

Two years ago, Senator Bob Smith of New Hampshire and I offered an amendment that basically would have stopped the State Department and the Department of Justice from using taxpayer dollars to defend the interests of Japanese companies. That passed 58 to 34 in the Senate. The House passed the identical amendment in July in an overwhelming 393 to 33 vote, same provision, both Chambers. Incredibly, it was stripped out of conference.

Since then, the State Department has been wielding its influence on behalf of these Japanese companies, not the World War II POWs. I think this is unconscionable. The provision added tonight, basically, as I understand it, would give up to \$10,000 to each former POW slave laborer, but that money comes from the taxpayers of America. Senator SMITH and I said that money ought to come from the Japanese companies that are still in existence. Some of them are multinational, some of them huge, such as Mitsubishi, that actually used American slave laborers during World War II. Many of these

POWs were packed into cargo holds from the Philippines.

Four thousand American servicemen lost their lives during the Bataan death march. Those who survived were shipped off to Japan for more than 3 years to serve as slave labor for private Japanese companies. Throughout the war, Americans worked in mines, factories, shipyards, and steel mills, labored each day for as long as 10 hours a day in dangerous working conditions. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs, a Navy seaman, who was captured April 9, 1942.

Frank Smith worked 39 months for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron and later found himself toiling in the rice fields. He was fed two rice balls a day and given very little water. During his time with the Japanese companies, he was tortured and beaten once for taking a potato. Upon being caught, the potato was shoved in his mouth and he stood at rigid attention, in the Sun, for 45 minutes. If he moved or blinked, he was beaten.

There was Frank Cardamon, of Des Moines, a marine stationed in China. His ship was attacked, and he was captured at Corregidor and sent to Japan to work in an auto parts factory and in the mines and was never paid for his work. He was fed two cups of rice a day. He went from 160 pounds to 68 pounds in 3 years of capture.

Margaret Baker, of Oelwein, IA, wrote a letter about her late husband, Charles Baker. Charles Baker, an Army private, survived the Bataan death march. He was sent to work in the mines for 3 years in Japan. He died at age 54 in 1973.

In her letter she wrote: He suffered many injuries and hunger on the death march and during his imprisonment. We feel his early death was caused by the suffering he endured while working long hours in the mines without food, rest, and clothing.

These men and 700 of their fellow prisoners of war and their families have been trying to seek long-delayed justice over the past several years. They have been to court to demand compensation from the Japanese companies that used POW slave labor. Yet our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department took the view that a peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank. In fact, State Department officials have submitted statements to the court in support of the view of these Japanese companies.

Imagine our own State Department coming down on the side of the Japanese companies, not the side of our POWs. I don't think that is right and I don't think it is fair, especially when the State Department's assertion about the treaty is inaccurate.

The State Department says the treaty signed in 1951 in San Francisco, article 14(b), exempts Japanese companies from these kinds of lawsuits. I will read the entire article 14(b):

Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Power, other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals in the course of the prosecution of the War. . . .

It says "except as otherwise provided in the present Treaty." Well, the present treaty provides in article 26:

Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

What does that mean? It means article 14 says that U.S. citizens, such as Frank Exline, could not sue Mitsubishi for reparations. But article 26 says if Japan were to conclude a different agreement or arrangement with another country that is more advantageous to the nationals of that country, those same advantages apply to all the signatories of the treaty.

Guess what. We didn't know this until the year 2000 when certain documents were declassified; we did not find out that Japan had concluded a separate treaty with the Netherlands, giving the Netherlands' national citizens the right to go to court to seek reparations. Under article 26, since the Netherlands got greater advantages than those under article 14, article 26 should be extended to those in the present treaty, including the United States.

The State Department ignores this. I guess they do not want to upset Mitsubishi or some of the other large corporations in Japan. They have continued to intervene in court. The courts have come down on the side of the Japanese companies.

The amendment Senator SMITH and I offered 2 years ago and adopted by the Senate and the House basically said the State Department and the Department of Justice cannot intervene in these cases anymore. They cannot use the taxpayers' money to intervene in these cases. That amendment was stripped from the conference report, I guess by the urging of the State Department.

This is why I am upset and stayed at this late hour to talk and why I will talk about it more. I did not know until yesterday that this provision was going to be slipped into the Defense appropriations bill. Otherwise, I would have been prepared with amendments of my own, amendments that this Senate adopted 2 years ago.

It is not right. First, it was not right for Japan and these private companies to use United States POWs as slave laborers. There is a book that describes the torture and what they went through working for private companies as slave laborers. It is not right they were treated that way.

Second, it was not right that the United States concluded a treaty that

said you can never seek compensation from these companies. That is the treaty we concluded in 1951. But there was an escape clause that said if Japan concluded a treaty with another country more advantageous to that country, then those same rights would accrue to our citizens. But that was kept under seal from 1951 until the year 2000. Then we found out that article 26 applied and that our former POWs, used as slave laborers, should have the right to go to court to seek compensation.

I am not saying they would have gotten it. At least they could have gone to court to press their rights, to exercise their rights to seek compensation.

What the amendment tonight did is it said now American taxpayers are going to pay them, American tax payers are now going to pay \$10,000 to each of these former POWs who are dying every day because of old age and infirmities. Why should the American taxpayer pay them?

These Japanese companies have a lot of money. A lot of the money they have was made on the backs of slave laborers during World War II, and these companies still exist today. That is why I found the inclusion of this amendment so offensive. It is a slap in the face to these former POWs, these slave laborers, saying: We are going to give you \$10,000; now shut up.

I understand there was a previous amendment that would have given \$30,000 or \$20,000 to the widows. That was taken away. I understand it is only \$10,000 now. Not only is that a slap in the face, but it is a slap in the face to the U.S. taxpayer, that somehow our taxpayers have to pay for what these Japanese companies did during World War II.

So this is not the last I will have to say about this. I will seek other avenues and other venues, bills coming across the floor of the Senate, to make sure our POWs have the right to seek compensation from these private companies. If the Dutch could get it done, if they had the right to do it, then our American citizens ought to have that same right under article 26 of the treaty of 1951. So while this amendment may have been adopted, I will seek other avenues, as I said, later on. And I will ask for record votes on it because Senators voted on it 2 years ago and House Members voted on it 2 years ago overwhelmingly. Maybe it is time to express, again, our displeasure at the State Department for what they have been doing, for interfering with the rights of our citizens to seek redress in our courts.

With that, again, I put the Senate on notice that this amendment will be coming down the pike whenever I find the first opportunity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, tonight the United States Senate accepted an amendment that I wrote with the distinguished senior Senator from West

Virginia, Mr. BYRD, to require accountability and independent oversight on the "contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds that are made available by the Department of Defense."

This requirement is long overdue.

Too much money is moving right now out of public coffers into private hands without adequate assurance that those hands have won the contracts fairly. Suffice it to say, the sums of money involved are staggering. The latest issue of Newsweek magazine says:

\$1 billion a week, and that's the lowside. So much for "self-sustaining" reconstruction.

The head of Iraq's State oil marketing organization thinks "the United States is dreaming if it believes it will be able to finance the reconstruction with oil money alone."

I was particularly troubled several weeks ago because, in the New York Times magazine, there was a feature length article describing the letting of a multibillion-dollar oil field contract to Kellogg, Brown and Root. That contract was sole source, meaning that Kellogg, Brown won it without having to compete at all. But now it appears that Kellogg, Brown and Root actually developed the Army's plan for the oil field restoration effort, and then was awarded the contract to carry out the plan, almost automatically.

I think it is important to be clear. This process essentially allowed an incumbent contractor to identify the criteria for a multibillion-dollar contract and virtually ensured that it would be awarded the contract without competition. The inside track doesn't peter out there. Under the auspices of an even larger, incredibly lucrative contract with the Army, Kellogg, Brown seems to have written the Army's so-called contingency plan for rebuilding Iraq. If the news reports are correct, then the potential for sole-source custom-crafted contracts is practically guaranteed by Kellogg, Brown's agreement.

The Department of Defense recently announced that it is going to go back and solicit bidding for the oil field contracts. So, in a sense, that ends the original controversy, the original contract that I was so concerned about with Kellogg, Brown and Root. But the American people deserve to know whether, in reletting this contract, the Department of Defense has finally acknowledged a problem with the original agreement and the contract processes that are being used today. The American people deserve to know whether the Department of Defense, on a regular basis, is letting other contracts to other companies in this fashion. The American people deserve to know whether the Department of Defense intends to continue this practice where it has not yet been discovered.

If individual contractors are customarily setting the criteria for the work they plan to pursue, it seems to me there are serious conflict-of-interest issues that the Department of Defense

should be working immediately to root out.

When you consider the Kellogg, Brown and Root contracts are so-called cost-plus contracts, this arrangement becomes even more unacceptable. Cost-plus lets companies spend what they think is necessary, and after that they get to tack on a percentage fee to make a profit. The more taxpayer dollars the company spends, the more profit they bring home. In effect, these contracts send out a message that the Treasury is open. If you are wasteful and inefficient, don't sweat it because the taxpayer is just going to pick up the bills.

A number of Iraqi reconstruction contracts, not just the Kellogg, Brown contract, have been designed in this way. If the Defense Department is going to spend my constituents' money in this manner without asking for a competitive bid, my constituents deserve to know why.

I have just been having community, townhall meetings in a number of our small, rural communities. I was recently in Gold Beach, OR, at a townhall meeting. Folks there were talking about the difficulty they face getting money for dredging, which is critically important. It is the lifeblood of these small, rural communities on the Oregon coast. They have to battle for every dime in order to get the funds for dredging. I can tell you my constituents in Gold Beach, Coos Bay, Pendleton, and Portland—across the State of Oregon—are saying there is no place for waste. With respect to these Iraqi reconstruction contracts and various other contracts with Iraq, they want to make sure that not only is there no waste, but there should not be any possibility for impropriety.

I understand that in some cases, there may be valid reasons for the awarding of contracts that seem suspect to the untrained eye. One explanation I have heard repeatedly is the need to award some contracts quickly. Another is the need for security clearances. But I cannot imagine that the need to move quickly is a valid justification for ignoring experience as a criterion, nor does a security clearance seem necessary for rebuilding a sewer system.

As a Member of the Intelligence Committee, I had thought these arguments were pretty shaky before. I said then, and I will repeat it tonight. I believe the Department of Defense and other agencies involved in reconstruction would have a more open process and greater credibility if they knew they had to face the public on these important issues.

The fact is: The Pentagon has kept the American taxpayer in the dark. The American people at present do not know how the select group of contractors was chosen, how much the reconstruction of Iraq will cost or how long it will take.

Tonight, with the adoption of the legislation authored with Senator BYRD, we are going to be in a position to finally get on top of those issues.

I want to express my appreciation to a number of the Senators on the Appropriations Committee, particularly Senator STEVENS, the distinguished chairman of the full committee, and Senator BYRD, the ranking member of the Defense Appropriations Committee, and the distinguished subcommittee chair of that committee, for working closely with me and my colleagues on this legislation.

Recently, the New York Times reported the current supply of about \$7 billion for rebuilding Iraq includes \$1.7 billion for Iraqi assets frozen in U.S. banks, \$900 million found hiding in Iraq, and about \$1.6 billion from Iraqi oil sold before the war. The United Nations is holding about \$1 billion for development, and Congress has already appropriated \$2.4 billion for reconstruction contracts. The occupation administrator is reportedly seeking about \$6 billion for the remainder of this year, and "the amount for 2004 will be considerably higher." Independent sources familiar with Iraq have put the price tag at upwards of \$100 billion.

The Pentagon just last week informed Congress that the monthly cost of military operations is really twice what they predicted in April, or nearly \$4 billion. Secretary of Defense Rumsfeld called this a "burn rate" of \$1 billion a week. My question then becomes, Will the administration have to effect a similar doubling of the projected reconstruction costs? What sort of a "burn rate" can the American people expect on the reconstruction side of the ledger?

We have seen the costs go up and up with respect to military operations. Suffice it to say, I think there is every reason to believe that will be the case with respect to reconstruction contracts as well.

What Senator BYRD and I have said—and we are very pleased the Senate on a bipartisan basis has accepted our amendment—is it is time for some accountability, and it is time for real and independent oversight with respect to these contracts.

What is needed are clear processes and standards for designing and awarding contracts. What is needed are clear criteria for justifying sole-source contracts. What is needed are mechanisms to provide independent oversight over contractors. What is needed are policies to prevent conflicts of interest. What is needed are policies to prevent waste, fraud, and abuse. What is needed are ways to assure the percentage of profits is determined for cost-fixed-fee contracts in a way that protects our taxpayers. Finally, what is needed is a list of all contracts for reconstruction and other services in Iraq and their overall expected costs and duration.

This week the civil administrator Paul Bremer said that just over the next 6 months Iraqi oil revenues will be \$2 billion short of what will be needed to finance occupation and reconstruction. He admitted that reconstruction

of Iraq is "not going to be self-financing." Newsweek magazine called these numbers "misleading."

What this means, in plain English, is that U.S. taxpayers are going to get stuck funding the difference for a number of months and for the foreseeable future.

We believe the pattern of secretive and closed bidding for these construction contracts is unacceptable. It seems to me the American people have a right to hear if there are reasons for sole-source and invitation-only contracts for these projects. If something is amiss in the Iraqi reconstruction contracting process, then the oversight and the accountability—as Senator BYRD and I have called for in the legislation accepted tonight—is going to bring that to light. It is high time Congress and the American people arrive at fair judgments about these difficult issues with respect to funding the reconstruction of Iraq. The American people deserve real accountability at a time when we need the money here at home for our schools, for our health care facilities, for our roads, and for the critical needs of strengthening our economy.

I think it is a significant step the Senate has taken. It assures this will now be an effort to establish true oversight and accountability over the billions of dollars that are being spent now and that will be spent with respect to reconstructing Iraq and other services in that country.

I thank Senator BYRD for his patience and assistance in this legislation.

Again, I express my appreciation to Chairman STEVENS for helping us to draft this in a way that will win bipartisan support.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAL-ENT). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2555

Mr. FRIST. Mr. President, I ask unanimous consent that on Monday, July 21, at 1:30 p.m., the Senate proceed to the consideration of Calendar No. 192, H.R. 2555, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### SENATE BUSINESS

Mr. FRIST. Mr. President, we have had a full week, a complete week, though it is Thursday evening, and almost 9 o'clock. We will not be in session tomorrow, and we will not have votes on Monday but will proceed to the Homeland Security bill Monday during the day and, hopefully, make progress.

As we look over the course of the week, it has been a full and complete week, with a number of amendments and a lot of debate, a lot of issues. I congratulate members from the Appropriations Committee, the leaders on both sides of the aisle for their leadership, in bringing us to the point that we have now passed three of the appropriations bills.

We will have a busy week next week. We will proceed as far as we can in addressing, hopefully, a number of appropriations bills next week. And then, that following week, which will be the last week we are in session, we will address Energy and, hopefully, complete the Energy bill, which is my intention, before the August recess.

Mr. REID. Mr. President, if the distinguished majority leader will yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know he has a lot more work to do tonight. I want to say, briefly, before he completes his statement on Prime Minister Blair, and other things, in the National Journal's Congress Daily today, it was brought to my attention that, among other things, it says—and if it is here I am sure it is true; we know all things written are true that the press puts out—

GOP staffers continue to meet in an effort to flesh out a reworking of the bill's electricity provisions. A new proposal expected to be released sometime next week.

The only reason I bring this to the leader's attention this evening is that the bill, as it is, is very difficult. We know there are problems with the electricity section. On both sides of the aisle, people are concerned about it.

If there is going to be a new electricity section in this bill, we have to have it next week because there is tremendous concern, especially by the Senators from Washington. And as we discussed yesterday, there are more than 300 amendments on this matter.

The two leaders are sponsors of one of the main amendments in the bill, and I know the two leaders want to get this bill finished. But having said the two leaders want to finish the bill, we still have 98 other Senators to worry about.

I would hope there is some realization of the great difficulty of finishing this bill, especially if there is a new section to be written about electricity. If it is a section that everybody signs

off on, that would alleviate a tremendously large problem with this bill.

So I just want to say, we have 2 more weeks to go. I think this week, even though I am sure there is some disappointment in the leader in not being able to complete more appropriations bills, we did a monumental task of finishing this bill in the time we did. I think the debate was good. There were no nonrelevant amendments. No points of order had to be raised. So I think we have done good work. But I do not want, by the mere fact that we keep talking about the Energy bill, for anyone to think it is going to be a simple issue to get that completed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I appreciate the comments from the assistant Democratic leader and understand that the task before us is a large one. One of the advantages we have is that we began to address the Energy bill on May 6 of this year. We have spent 12 days on the floor debating the bill. We made good progress on the Energy bill, and by saying we would spend a week, or the last week of this month, focused entirely on that bill, we have given all of our colleagues the opportunity to work—both members on the committee and our colleagues not on the committee—the opportunity to develop amendments, to discuss those amendments, to work in a bipartisan way across the aisle to come to agreement—and not necessarily consensus but agreement—in lots of different areas.

One of the good things about, at least 6 weeks ago, saying and making very clear to our colleagues we are going to spend the last week on it is that it has given us the opportunity to work together and to look at the various potential amendments as well as the underlying bill.

It is a huge challenge, I recognize, but one I personally look forward to working with the leadership on the other side of the aisle to accomplish as we go forward.

Mr. President, tonight we passed the Defense appropriations bill. I am very pleased with the progress today. Now we have passed three of the 13 appropriations bills for the new fiscal year that begins in just under 3 months.

In many ways, it is ironic because at the beginning of this year we had 11 appropriations bills we had to pass, and now we have passed three; so indeed we have passed 14 appropriations bills this year, which is remarkable. But, in truth, we have three appropriations bills of the 13 for the new fiscal year that we have passed. And now, well over an hour ago, that third one being passed is a benchmark in many ways. I am hopeful that over the course of the next week we will pass as many as three more appropriations bills. I am confident we will be able to pass two. I would like to be able to pass three, which would mean six appropriations bills passed before the August recess.

On Monday, as I mentioned a few minutes ago, we will begin debate—for the first time, I might add, in this Chamber—on a brand new appropriations bill; and that is the Homeland Security appropriations bill. A lot of my colleagues have not thought about it in those terms, but because of our response and reorganization—our response to, in some part, 9/11, but our reorganization of the Homeland Security Department—we now have a Homeland Security appropriations bill, and we will be addressing that beginning Monday.

And, yes, each time I either open or close the Senate it seems people say it is a challenging schedule. It is a challenging schedule. Indeed, to complete all the appropriations bills, and to send them to the President before the beginning of the new fiscal year, will be a real challenge. But it is our responsibility to do so.

As the distinguished ranking member of the Senate Appropriations Committee reminds us on a regular basis, one of our most basic responsibilities of the Congress under article I of the Constitution is that “No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”

Thus, we take this fundamental responsibility seriously. And thus the discipline and the focus, the patience, the collegiality, the cooperation must all be reflected in order to accomplish that task.

There is reason to be optimistic that for the first time in almost a decade we can complete action on all of the 13 appropriations bills and have them signed into law before the new fiscal year begins October 1. Again, when we accomplish that—if we accomplish it—but when we accomplish that, it will be for the first time in almost a decade.

That optimism stems from a number of facts: first, from the fact that having adopted a budget resolution earlier this year, we now at least begin this appropriations process with a defined top-line spending level for all the appropriations bills next year, that top line being \$784.6 billion.

That optimism is also a result of the hard work of the chairman of the committee and the ranking member of that committee, as well as others, to establish very early a general understanding with the administration how the President's priorities and the congressional priorities will be considered.

That optimism that we can accomplish completion by the end of the fiscal year also stems from the fact that of the 13 appropriations bills, the Senate and House's initial allocations are identical for 7 of the bills, and these 7 bills, with identical allocations, represent three-quarters of all the appropriations for next year.

A lot of this is made possible by a very close working relationship with the House of Representatives. Speaking of the House, I am optimistic that before they recess in about a week or 7

days from today or possibly tomorrow, they will have completed 11 of the 13 bills. That will have been a major accomplishment and one that will expedite going to conference quickly to resolve any differences with the Senate bills in September.

Finally, that optimism is further strengthened by the fact that because we have a budget in place this year, because we passed a budget and we have a budget in place right now, we also have the tools to enforce the spending levels that are assumed in that budget.

Over this week we have made much progress on the appropriations process. We have begun the process in earnest. We have achieved a good first step. Even with this optimism, I know it will not be easy. After the August recess, we will need to complete action on the remaining bills in the Senate and then conference those with the House.

We also recognize that in discussion of these appropriations bills, there are many demands—we saw a number of them play out today—in the bills that come before us. We will see many very good programs, many very worthy programs that require funding. But we will also see programs—and will be talking about that on the floor—that were simply created at a different time in our history. Or we will be talking about programs that simply were created but have not met their goals, programs where continued funding is simply not the most effective use of taxpayer dollars.

As we saw the deficit figures come out over the course of the last week, again and again we said, there are certain things that can be done. It is to grow the economy. It is to reap the benefits of the jobs and growth package that we passed on the Senate floor with those midterm and long-term effects of growing the economy, creating jobs. Thirdly, there is the fiscal discipline that does demand tough choices, that does demand tough decisions.

We are committed in this body to slowing rates of Government spending, and indeed, if you exclude the spending in the war supplemental last spring, the appropriations for next year will represent less than a 3-percent increase over the current year.

Spending will be tight. Many worthy programs and initiatives may not see the increases they have enjoyed in many recent years. Recent years' appropriations have grown at an annual rate of over 7 percent. That simply cannot be tolerated. It is unacceptable today, growing at 7 percent. That is faster than the economy. That is faster than families' paychecks. We simply will not do that. We cannot do that. We need to engage that fiscal discipline.

Again, if you take out that war supplemental from last spring, the appropriations for next year will be less than a 3-percent increase over the current year. It is that type of fiscal discipline that we will demonstrate.

I do know we can live within our budget that we adopted earlier this

year. I look forward to working with the Democratic leader and the leadership of the Appropriations Committee to fulfill our responsibility under the Constitution to enact appropriations bills and to do so in an orderly and timely manner.

Our work this week demonstrates that disciplined, orderly manner again in a timely way. I thank my colleagues for their cooperation, for their patience as we, under the leadership of Chairman STEVENS, proceed in this disciplined manner.

#### PRIME MINISTER TONY BLAIR

Mr. FRIST. Mr. President, we in the Senate today had the experience of participating in the joint meeting in the House Chamber listening to Prime Minister Tony Blair. I opened the Senate this morning pointing out that we would be welcoming and honoring our distinguished visitor in this joint meeting. I mentioned that he is the fourth sitting Prime Minister to address a joint session of the Congress, preceded only by Winston Churchill, Clement Atlee, and Margaret Thatcher, three of histories great leaders.

Today's historic tribute gave us the opportunity to reaffirm our abiding friendship and our deep respect both for the man, Prime Minister Tony Blair, as well as the people of the United Kingdom. Our two nations have stood shoulder to shoulder to defend the free people around the world.

We had the opportunity to meet with the Prime Minister before the address. We were able to directly express our appreciation to the Prime Minister and for him to reflect to the people of Britain for their courage and their resolve.

As you sat in the majestic House Chamber and listened to those words, I think we were all affected very directly because it helped elevate the debate which seemed to have mired down in part of the way it has been handled by the media but also the way it has been handled by a number of our colleagues both in this Chamber and in the other Chamber.

The words from Tony Blair really did elevate it. There is just one passage I want to quote from what the Prime Minister said today in the Chamber:

And I know it's hard on America, and in some small corner of this vast country, out in Nevada or Idaho or these places I've never been to, but always wanted to go. I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, "Why me? And why us? And why America?"

And the only answer is, "Because destiny put you in this place in history, in this moment in time, and the task is yours to do."

The Prime Minister continued:

And our job, my nation that watched you grow, that you fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.

You are not going to be alone. We will be there with you in this fight for liberty. We

will be with you in this fight for liberty. And if our spirit is right and our courage firm, the world will be with us.

I mention this passage because, as we sat there for that 30 minutes or so, this passage where he mentions that "destiny put you in this place in history" is one that just struck a chord.

I contrast that with the debate that has seemed to play out in the media over the last week in regard to the quality and integrity of the case made by President Bush for the removal of Saddam Hussein's regime.

I have to say, as I have heard people comment on the case that has been made for this war, I have been increasingly disturbed. In part it is because of the sound of shaking confidence by people who intend to shake the confidence, or who want to instill or inject into the American people self-doubt about America's mission in Iraq.

But when you stepped back and listened to the Prime Minister today, all of a sudden you realized that a bloody tyrant no longer rules in Iraq. It made you realize that a man who, without regret, murdered members of his own family, as well as tens of thousands of his own citizens, has now been removed from power. The perpetrator of one of the past century's most gruesome crimes against humanity—the use of chemical weapons on thousands of innocent Kurds—no longer is free to pursue such weapons. The aggressor in the gulf war who, a decade ago, invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

Now all of this second-guessing is perplexing to me. If you look over the last week, we have had things mentioned like Watergate, which was referenced by candidates eager for the next election. You hear candidates using words like "impeachment" being laid upon the table. We have seen, over the last week, special e-mails going out from party headquarters, saying: More money needed to fan the flames of controversy.

Indeed, we know all these campaigns have begun, and there are many people who seem to be eager to topple the leader. I mention all that because of the contrast in what we heard today from Tony Blair, who elevated the facts and the greater cause of liberty, in contrast so much to what our media and the candidates have focused on. This whiff of politics is in the air.

What bothers me about it is that there is a cost if we get in and play a game of politics at this juncture in history. As I listened to the Prime Minister today, I thought, what does this do to the reputation of our country, to the position of our President? Prime Minister Tony Blair helped put that into perspective today.

Indeed, the record is replete with the case against Saddam Hussein, such as the mass graves. Our colleagues who have just come back from Iraq so vividly described standing at these mass graves the size of football fields—thou-

sands of graves exposed. And really only now are the thousands of widows and mothers and orphans—all victims, also—able to openly grieve. Who will ever forget the pictures we have seen of those desperate citizens of Baghdad, actually clawing at the ground in a vain search for these hidden prisons that might hold their loved ones. You see these images of mass graves.

Our colleagues have come back—and we have had two delegations over there, and another one will be going shortly—with descriptions of the unmistakable mark which these mass graves represent of history's tyrants, the legacy of this regime, and the shame of anyone among us who would have tolerated it for one day longer than we knew it to be a fact.

As I listen to some of the candidates and colleagues and critics, it leads me to ask: Are we deaf in some way to the plight of the Iraqi people based on the facts that we know? Is the suffering of the Iraqi people—when we think about those graves or about the thousands of Kurdish individuals upon whom Saddam Hussein inflicted chemical weapons of mass destruction—it makes you ask is our moral purpose as a Nation so diminished that we do not see the justice of our own cause, that larger purpose, that sense of liberty and fighting for liberty that Prime Minister Tony Blair talked about today?

We heard in this body all of the evidence on Iraq before the war. We had the opportunity, through open hearings, closed hearings, classified information. I clearly was convinced. I had the opportunity to sit in my office, which is just probably 200 steps from where I am speaking now, and listen to about 12 Kurdish physicians who came to visit the United States. They came to see me because I am a physician. They simply laid it out to me that they took care of thousands of people—these are the physicians who took care of thousands of people who were poisoned with chemical weapons from Saddam Hussein—thousands of people, not 10 or 15, but thousands. They talked about the peeling of skin. They talked about the suffocation. They talked about people dying before their eyes.

They also told me they are still taking care of those people who survived, although we know scores of thousands of people died from these chemical weapons imposed or inflicted upon them by Saddam Hussein; but, indeed, these doctors I talked to in my office months ago are still treating some of the victims from that atrocity. Yet, at the same time, we have heard discussions this past week with some questioning whether this tyrant was capable of possessing and using such weapons again.

There seems to be a disconnect over much of the discussion of the last week. This week people said: After all, he declared himself free of these weapons.

But as we all know, he denied again and again—and it was part of the reso-

lution—those inspectors the opportunity to prove him wrong. So I am perplexed and bewildered by those who would accept the word of an inhumane, callous, mass murderer at this point in time, and whose word they seem to even be holding higher than that of the President of the United States.

It is a travesty to me. It is nonsense, and it really comes back to that basic question: Is there anybody in this Chamber who would honestly dispute that Saddam Hussein possessed weapons of mass destruction; that he used weapons of mass destruction; and that he never abandoned that course? I really don't think so.

We can take it a step further. Is there anybody in this Chamber who believes that we would have been all, in some way, better off with Saddam Hussein still in power? The answer is clear. Indeed, 9 months ago, 77 Members of this Chamber voted to authorize the President to use force in Iraq. In that resolution, we enumerated very clearly the many reasons.

First, the Senate found—this was 9 months ago—that Saddam Hussein was developing, did possess, and had used weapons of mass destruction. That is No. 1.

No. 2, 9 months ago, based on the information that was available to us and the briefings that we had, the Senate found that Iraq invaded Kuwait in 1990. And after being driven back by an international coalition, Saddam Hussein unequivocally agreed to eliminate all weapons of mass destruction and to prove so to the world community.

No. 3, the Senate found that Saddam, in fact, used denial, used deception, and used harassment to thwart efforts by international inspectors to prove compliance with those terms.

Fourth, the Senate reiterated its finding from 1998 legislation that Saddam Hussein had a continuing program to develop weapons of mass destruction in material breach of his terms of surrender in the gulf war.

Finally, and fifth, the Senate listed the myriad of United Nations Security Council resolutions reaching the same conclusions that the Senate had reached.

I wish to stress once again, because it is important to understand, this was 9 months ago, and 77 Members of this Chamber voted with this understanding. All of these findings were made on thorough intelligence briefings. They were considered judgments by Members of this body, all separate from any report about a uranium purchase from Africa, which has tended to be the focus of people over the last week.

On October 9, 1998, 2 years before the current President was elected, Senators then wrote to President Bill Clinton demanding military action against Saddam Hussein. This is 1998. They wrote:

We urge you to take necessary actions (including if, appropriate, air and missile strikes) to respond effectively to the threat

posed by Iraq's refusal to end its weapons of mass destruction programs.

This was followed by a December 17, 1998, letter calling for the use of military force again by then-President Clinton "to compel compliance or to destroy to the best of our ability Iraq's capability to build and deliver weapons of mass destruction and threaten its neighbors."

What is incredible to me now is that some of those very same people who signed those letters now are questioning whether an honest case was made by President Bush that Iraq had weapons of mass destruction. The very same people signed those letters. So I am moved to ask, What reversed the conclusion that they had so confidently reached 5 years ago? Was it in some way a change of facts or was it a change just in the Presidency?

Yes, my implication is what we have seen over the last week is a matter of politics, and I think, again, of the Prime Minister's visit today and his message of what this war has meant to free people, yes, in Iraq, but around the world. All of this is a serious matter. It demands our attention. I say that because as I speak, we all know that American soldiers, British soldiers, coalition soldiers stand in harm's way. We all sort of stand in fear of turning on the television at night, in the morning, or reading in the paper once again of tragic casualties.

All of that speaks to me that we must redouble our efforts against the small but determined enemy to stabilize Iraq. A democratic and prosperous Iraq, just as the Prime Minister said today, will not only change the Middle East, it will change the world for the better. It is a worthy cause of our Nation and one that we simply will not—will not—permit to fail.

Mr. President, I will, in the interest of time, probably have more to say about this next week. This is the nature of the debate. Again, I express my appreciation on behalf of the Senate to the Prime Minister for joining us today.

#### THE BUDGET

Mr. CONRAD. Mr. President, the day before yesterday we saw an announcement of the biggest deficits in the history of the country this after the President told us just 2 years ago that we did not need to worry about future deficits; in fact, there were going to be massive surpluses. He said in a speech on March 27, 2001, when he was campaigning for a massive tax cut:

Tax relief is central to my plan to encourage economic growth, and we can proceed with tax relief without fear of budget deficits, even if the economy softens.

This is what the President told the country. It has proved to be totally wrong. These are now the biggest deficits we have ever had in the history of the country, \$455 billion, and that understates how big these deficits really are. Just using that number, which the

administration has put out, is by far the biggest deficit we have ever had. The previous record was \$290 billion. So this is a very large deficit by any measurement.

The President then told us the next year, after it became clear that his earlier statements were not correct, that:

... our budget will run a deficit that will be small and short-term ...

Well, that has proved to be wrong again. These deficits are not small, and they are not short term. In fact, these deficits are of record size and we see no end to them. By the administration's own analysis now, we see no end to these deficits.

This chart shows the portrayal of deficits over the last 30 years, and one can see that the deficit this year is the biggest of all time. Look at the trajectory, which is truly stunning. We have gone from surpluses that we ran for a 3- or 4-year period to this extraordinary rise of the deficit. Still the administration is trying to downplay its significance.

Earlier this year, the then-OMB Director said:

I think ... that at today's levels of 2 to 3 percent of GDP—

Or gross domestic product—these are modest and manageable deficits.

The current OMB Director has continued with that same theme. He said in June:

Our current deficit, as measured as a percentage of gross domestic product, is not large by historical standards and is manageable within the overall context of our economy. Let's examine the claim that these are modest deficits as a percentage of our gross domestic product.

This chart looks at the record of deficits as a percentage of our gross domestic product. This is what it shows. If one takes out Social Security—which one should because it should not be included in the calculations of the operating expenses of the Federal Government—what one sees is, as a percentage of the gross domestic product, this is the second largest deficit in 57 years.

I was reading the Washington Post this morning. The writer of that story said the White House makes a good point that the deficit is 4.2 percent of the gross domestic product and we have had deficits that large before.

What that neglects to take into account is the fact in 1983 there were no Social Security funds to raid. This year, the administration is not only running a \$455 billion deficit but on top of that they are taking \$154 billion of Social Security money. So on an operating deficit basis the deficit is over \$600 billion; that is 5.7 percent of gross domestic product. There were no Social Security funds back in 1983. There were no surplus funds to take. In a fair comparison, this is the second biggest deficit on a gross domestic product basis in 57 years.

Previously, the President has acknowledged the importance of paying down the debt, of not running deficits. In fact, in 2001 he said:

... my budget pays down a record amount of national debt. We will pay off \$2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

Madam President, now we can check the record, words versus reality. The President said he was going to pay down the debt so there would be almost nothing left by 2008. Now we see, with this latest report from the President's own administration, instead of almost no publicly held debt by 2008, we will have \$5.5 trillion of debt. When is this administration going to admit its plan is not working? How much more evidence will they have to have before they acknowledge this whole plan is an absolute, abject failure? This President has told us repeatedly there weren't going to be any deficits. Then when it became clear there are, he said they were going to be small. Now that it is obviously apparent these deficits are massive and large, they say, don't worry, we are going to reduce them in the future.

None of it is true. These deficits are massive. They are long lasting. And we have not seen anything yet.

This is a chart that shows what has happened to revenue as a percentage of gross domestic product. What this shows is that revenue this year, according to the administration's own projections, is going to be the lowest since 1959. We have a revenue problem and the President's answer is, cut the revenue some more. Let me repeat that: We are going to have the lowest revenue as a share of gross domestic product since 1959 and the President's answer is, cut the revenue some more, not cut the spending to match the reduced revenues. He is advocating increasing spending. But cut the revenue some more, make these deficits even bigger, does that make any sense to people listening? It makes no sense to me.

We look at the 2003 transformation from the administration telling us there would be surpluses to now record deficits; 77 percent of the reversal is on the revenue side of the equation; 23 percent is spending.

Friends, we have a revenue problem. We also have a spending problem. But the revenue problem dwarfs the spending side of the equation.

When we look at the spending side of the equation, this is what we see in terms of the increases in discretionary spending that have occurred over the last 3 years. Where has the money gone? In 2001, ninety-five percent of the increase went to defense, homeland security, and response to September 11. In fact, the lion's share, the green bar on the chart, is defense: 73 percent of the increase in spending that has occurred is because of defense; 15 percent is homeland security; 7 percent is New York City reconstruction and airline relief as a result of the attack of September 11.



If we look at 2002, we see the same thing: 55 percent of the increase is defense; 17 percent is homeland security; 21 percent is for rebuilding New York and airline relief and international funding for Afghanistan and Iraq. So 93 percent of the increase in discretionary spending for 2002 is defense, homeland security, rebuilding New York, airline relief, and, of course, international aid because of the efforts in Iraq and Afghanistan.

In 2003, it is exactly the same thing. The increase in spending, where is it? Defense, 76 percent; 11 percent, homeland security; 7 percent, aid to New York and airline relief and the international initiatives.

The administration says the whole problem is the attack on the country with these burgeoning deficits and the economic slowdown. They have left out the biggest factor of all. The biggest factor of all is their tax cuts. The biggest chunk, 36 percent of the reversals from surpluses to deficits over this budget period, is from the tax cuts implemented and proposed by the President; 27 percent is lower revenue not associated with the tax cuts; 28 percent is spending. As I have indicated, only 9 percent is the economic downturn.

All of this is happening at the worst possible time because right now the trust funds of Social Security and Medicare are producing large surpluses. But we all know those days will not last. We all know there is something coming called the baby boom generation; they will retire and the trust funds that are throwing off hundreds of billions of dollars of surpluses will turn to cash deficits. They will turn cash negative. When that occurs, we can see what will happen to the finances of the Federal Government.

Perhaps most startling about this chart is the President's tax cuts, explode in cost at the very time the cost to the Government explodes because of the retirement of the baby boom generation. So the deficits being run now, which are record deficits, are going to be thought of as the good times because this is the sweet spot in the budget cycle. This is when things are, in fact, manageable for the moment. Why? Because the trust funds are throwing off hundreds of billions of dollars of surpluses.

This chart is not mine. This chart is from the President's own budget proposal, from page 43 of his Analytical Perspectives. This is the President telling the Nation what he thinks will happen if his tax plan and his spending plans are adopted.

This is what it shows. This is the period we are in now. Remember, these are record deficits now, the biggest we have ever had; even on a GDP basis, the second biggest in 57 years. But they are nothing compared to what we are headed for.

Is anybody paying attention? I commend the news media for recognizing that the deficit this year is a record and next year is going to be even big-

ger. But they are missing the big story. The big story is where this is all headed. Not according to me, this is according to the President himself. There is no end to the deficits, and they absolutely explode when we get to the time the baby boom generation is retiring and the costs of the President's tax proposals are fully phased in.

These are deficits, not in dollar terms but as a percentage of GDP. The President's people say they want to have their budgets evaluated on that basis. This is an evaluation on that basis. What it shows is that we never escape from deficits and that the deficits absolutely explode if the President's policies are adopted—not any additional spending by Congress, this is his spending plan, his tax plan. It is an unmitigated disaster for this country.

If we had deficits of this magnitude today, instead of announcing a \$455 billion deficit, the deficit for this year would be \$1.2 trillion. That is where this is all headed. That is the dirty little secret of what is going on here in Washington. This President is digging a hole that is deep, deep, deep, and it is filled with red ink. It is not going to work. It is going to lead us to a future Congress and a future President who are going to have to make really stark decisions, draconian decisions. Because if this plan is adhered to, a future Congress and a future President will have to shred Medicare, shred Social Security, and most of the rest of the Federal Government as we know it. Maybe that is the intention of some. Maybe that is what they want to do. I am beginning to suspect it must be, because they are smart people, they know where all this is headed. This is their own analysis of where it is headed.

The Chairman of the Federal Reserve said on July 16, in testimony before the Senate Banking Committee:

There is no question that if you run substantial and excessive deficits over time, you are draining savings from the private sector, and other things equal, you do clearly undercut the growth rate of the economy. That is one of the reasons I have argued for years about getting the deficit down. So I have no question that if we do not come to grips with these deficits issues, it will make it more difficult for us to maintain the type of growth rates which . . . will bring total employment up and bring the unemployment rate down.

Is anybody listening? Is anybody paying attention? Does anybody care about the economic future of this country, the economic strength of the Nation? Because all of it is being threatened by these policies.

The President told us you have to do this because it is going to improve economic growth. He told us 2 years ago, if we adopted his plan, economic growth would return and the country would be on a stronger course. Let's just check the record.

What we see is that this President's record on economic growth is the worst of any President in the last 50 years—and not by a little bit, but by a lot. The fact is, this President's economic plan

is not working. If we look at the critical question of job creation, what we see is that the Bush economic record shows the worst results since the Presidency of Herbert Hoover. This President has been in charge. His economic game plan has been in place for over 2 years—2½ years. It is not working. It is failing. It is just as clear as it can be.

This is the historical record on job creation in the private sector. There has not been a weaker record since Herbert Hoover. In fact, no President in the last 70 years of the history of this country—no President has lost private sector jobs over their term in office. Not one President. This President has. As I have indicated, you have to go back to the Presidency of Herbert Hoover to see this kind of economic record.

Let me just end with the New York Times editorial of yesterday entitled "The Deficit Floats Up and Away." It says:

Having done its utmost to choke back the revenue flow into the Treasury, the Bush administration offered a running tab on this year's exploding budget deficit yesterday. To hear the casual patter of White House aides about the deficit, one would think it was pocket change. In fact, the shortfall has ballooned 50 percent in just five months.

Is anybody paying attention? The shortfall increased, according to the administration's own assessments, by 50 percent in just 5 months.

They have been wrong every step of the way. Every single assertion by this administration about the effect of their economic plan and their fiscal plan has been wrong, and not wrong by small amounts but by massive amounts.

They told us 2 years ago, when they put this plan in place, that we would be having surpluses now, not deficits. Instead, we not only have deficits, we have the biggest deficits in the history of the country and next year is going to be worse. That is their own projection, and they have not even counted in the cost of the war in Iraq. Oh, they put it in for this year, but nothing for next year.

Does anybody seriously believe we are going to be done with the operations in Iraq by October 1 of this year? Apparently the administration does because they have not put one dime in their budget for operations in Iraq next year. That is just irresponsible, wildly irresponsible.

The result is we are going to have deficits that are going to be so large, they will be unlike anything we have ever seen before. Remember, this is the sweet spot. Because not only are they taking money from the Medicare trust fund, they are going to take more than \$160 billion from the Social Security trust fund next year. They aren't counting that. They don't want to talk about that.

The President said, when he brought his plan forward 2 years ago, he could fully protect Social Security. You know what we see now—he is not protecting it at all. He is not only going to

take every penny of Social Security surplus this year, he is going to take every penny of Social Security surplus next year, every penny the next year, every penny the next year, every penny the next year—virtually every penny for the next 10 years. This is a course that is a disaster. It is time for people to stand up and speak out and face up to this fiscal disaster.

I thank my colleagues and yield the floor.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Westbury, NY. On September 19, 2001, a 42-year-old man was charged with a bias crime after assaulting a gas-station attendant. Police reported that the victim was punched in the head by the assailant after he had questioned the attendant about his ethnicity.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### THE TEN WORST "BAD APPLE" GUN DEALERS IN AMERICA

Mr. LEVIN. Mr. President, earlier this week, the Brady Campaign to Prevent Gun Violence released a report entitled "The Ten Worst Bad Apple Gun Dealers in America." This report analyzed national crime gun trace data from 1989 through 1996 gathered by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and identified the 10 gun dealers who sold the most crime guns and exhibited sales patterns that ATF considers to be indicative of gun trafficking. According to the Brady Campaign, most gun dealers are never associated with illegal activities, but guns sold by these 10 dealers turn up in the wrong hands over and over again.

According to the report, one dealer in Indianapolis, IN, sold 398 guns later used in crimes from 1989 through 1996. These guns were involved in at least 7 homicides, 12 assaults, and 2 robberies. In addition, the Brady campaign found that between October 2001 and January 2002, one man used two straw purchasers to buy 25 handguns from this dealer and then resold them on the streets of Chicago. Another trafficker used straw buyers to obtain 12 and 9 guns on two different occasions in 2002.

Another gun dealer identified in the Brady report, this one in West Mil-

waukee, WI, sold 554 guns later used in crimes. These guns were involved in at least 27 homicides, 101 assaults, and 9 robberies. From 1994 to 1996, 1 straw purchaser bought 10 guns from this dealer. Several of the weapons have been recovered from violent criminals, including a murderer, a rapist, an armed robber who later raped a woman at gunpoint, a man who shot at a police officer, and three juvenile shooting suspects.

The Brady report highlights the potential damage and abuse that just 10 bad apple dealers can cause. The Brady report reveals the disregard of a few in the gun industry for even basic self-regulation. The Lawful Commerce in Arms Act that recently passed the House and that has been referred to the Senate Judiciary Committee would shield negligent and reckless gun dealers from many legitimate civil lawsuits. Certainly, those in the industry who conduct their business negligently or recklessly should not be shielded from the civil consequences of their actions.

#### INVESTIGATING PREWAR INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, for almost a week now the Senate has been debating the appropriations bill for the Department of Defense. Several amendments have been offered regarding the need to determine the accuracy of our pre-war intelligence and the use of that intelligence by the Executive—specifically, a reference in the President's State of the Union message that has now been acknowledged to be erroneous. I want to take a few minutes to comment on some of these continuing questions regarding the accuracy of pre-war intelligence which became a part of the public debate soon following the invasion of Iraq. I have worked with Chairman ROBERTS to find a bipartisan approach to reviewing these issues. On June 20 we reached agreement on the terms of reference for what was by then an ongoing inquiry. I had proposed a broader, more formal approach but after some discussion agreed to proceed with a structured review and see where the information led us.

The committee has been poring through the volumes of material provided by the intelligence community and interviewing relevant officials, and has held two closed hearings and one briefing.

But as this process has moved forward it has become increasingly clear that a business as usual, oversight review is not going to be able to address our expanding appreciation of the scope of the problem. Every day brings new information, often from the press, which requires us to make sure that we have the right charter and organization for this inquiry.

Tuesday it was the story, reported in the Washington Post, that a four-star general was sent to Niger last year to

inquire about the security of Niger's uranium. According to the article, the general said that he came away convinced that Niger's uranium stock was secure. Obviously, there is much to be learned about this. Why was he sent? What was his mission? Who was aware of the trip? And what happened to the general's report when he returned?

This revelation follows on the heels of a week of accusations, denials, admissions and recriminations among the senior members of the administration's national security team about who was responsible for language related to Iraqi uranium purchases appearing in the President's 2003 State of the Union speech. By week's end, Director Tenet had stepped forward to accept responsibility. His statement, however, raised many other questions about how this information was handled by those outside the intelligence community.

The credibility of the intelligence related to Iraq and Niger first came to public attention in March when the IAEA determined the documents supporting the charges to be fraudulent. I immediately asked Director Mueller to have the FBI investigate the counter-intelligence implications of this revelation. Subsequently, Senator ROBERTS joined me in asking the Inspectors General at the CIA and State Department to investigate how this information was handled by the intelligence community.

These investigations, however, will answer only questions of how we came into possession of these documents and what the intelligence agencies did with them. They cannot, because of the reach of these investigative organizations, deal with the questions that have dominated the public debate in recent days. How did information, known to be dubious at best, find its way into the President's State of the Union speech? Who is responsible for inserting the information? Were reservations properly conveyed to senior officials? If not, why not? If so, why were those reservations not heeded?

It seems clear that the White House staff played a key role in this episode. Unless we follow the evidence wherever it leads, we will end up reporting to the American people only part of the story. And the Niger episode is just the first example of what we can expect as we get further into this process.

I am committed to a complete, bipartisan investigation that covers the full spectrum from collection to the analysis and use of prewar intelligence about Iraq. I believe that the Senate Intelligence Committee has the authority to conduct that investigation. But it has to be willing to use the full authority that the Senate has given it, or to ask the Senate if it needs any additional authority.

We should bite the bullet and authorize a formal investigation, explicitly state that it will examine the full range of activities concerning prewar intelligence—which includes the use of that intelligence—and provide for the

direction, organization and resources that will assure a complete and probing examination of all facts.

In short, it is now clear that this is not an ordinary oversight review but should be a full-fledged investigative effort, with a clear charter and with sufficient staffing and resources. We must do whatever is necessary to get to the bottom of this, and answer the fundamental questions of how intelligence was used to support this war.

#### ALGERIA EARTHQUAKE RESOLUTION

Mr. INHOFE. Mr. President, on May 21st of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief effort. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over \$1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home state of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

#### SIXTH CIRCUIT JUDICIAL NOMINEES

Mr. DURBIN. Mr. President, last week I came to the floor to object to the majority leader's attempt to file a discharge petition on four of President Bush's judicial nominees to the Sixth Circuit. I want to clarify the basis of my objection because my comment was taken out of context by the majority leader and Senator MCCONNELL yesterday on the Senate floor.

I said last week that the four nominees should not be moved out of the committee because they haven't yet had a hearing. That is indeed one basis for our objection. I am not aware of any judicial nominee who has been voted on without having a hearing—that is just not the way the judicial confirmation process works.

But I also said that I was objecting on behalf of Senators LEVIN and

STABENOW, who have not returned the blue slips on these four nominees because they believe that President Clinton's nominees to the Sixth Circuit were unfairly denied hearings and votes. The Michigan Senators do not wish to proceed with President Bush's nominees until a fair and just resolution has been reached.

I think this is a valid argument. In the 1990s, the Republicans blocked 65 of President Clinton's judicial nominees many by home-State Senators who refused to return blue slips. I believe that this blockage was a coordinated attempt by Republicans to stall out the clock so that a Republican President might have the chance to fill those vacancies with right-wing ideologues after the 2000 election.

President Clinton nominated three people to the Sixth Circuit who were never given a hearing or a vote, including two people from Michigan. One of President Clinton's Michigan nominees, Helene White, waited 4 years and never received a hearing or vote. The other Michigan nominee, Kathleen McCree Lewis, waited 2 years and never received a hearing or a vote.

Why didn't these two highly qualified women ever receive a hearing or a vote? Because then-Michigan Senator Spencer Abraham didn't return their blue slips. Now the Bush White House is trying to reap the benefits of Senator Abraham's delay tactics.

The Republicans are ignoring the blue slip process today, but they honored the Blue Slip policy in the 1990s as if it were the gospel. Not once did a Clinton judicial nominee get confirmed if their blue slips were not returned. Here is what the Judiciary Committee Chair, Senator HATCH, said on the Senate Floor in October 1999:

After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. . . . Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State. . . . When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose a nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Senator HATCH summed it all up in an interview he gave with NPR in 1997. He said: "The policy is that if a Senator returns a negative blue slip, that person's gonna be dead."

Now that the shoe is on the other foot, the Republicans have backed away from the blue slip policy because they have a higher mission: packing the courts with right-wing ideologues.

Not since President Roosevelt's Court-packing plan in 1937 has this country seen a President who has played politics with the courts the way President Bush has. Over the past 2

years, he has nominated some of the most ideologically driven people in the Nation to important judgeships.

They advocate extreme positions that would turn back the clock on women's rights, gay rights, workers' rights, consumer protection, and environmental protection.

Maybe President Bush has selected these people because he wants to pacify the far right wing of his party. Or maybe he truly shares their extreme beliefs.

The bottom line is this: the Republicans are changing the rules for their own partisan gain. They are violating two longstanding principles with the Michigan nominees: 1. not honoring the blue slip process that they so zealously honored when the shoe was on the other foot, and 2. not honoring the Judiciary Committee confirmation process by attempting to confirm these nominees without giving them hearings or a committee vote.

There is an easy resolution to the problem that the Republicans have created. As Senator STABENOW said earlier today on the Senate floor, she and Senator LEVIN have made numerous proposals—including the creation of a bipartisan selection commission like Wisconsin's—to select Michigan's judicial nominees. Unfortunately, the White House has rejected these very reasonable proposals.

I hope that the Bush White House will reconsider its position and work with the Michigan Senators to ensure justice and fairness for the people of Michigan.

In the meantime, it is not appropriate to have hearings on the Michigan nominees.

One final note: The debate over the Michigan nominees should not overshadow the fact that the Senate has confirmed the vast majority of President Bush's nominees. To date, we have confirmed 139 of his judicial appointments 134 to Article III courts, and 5 to the Article I Court of Federal Claims. We have held up just two nominees.

So the score is 139 to 2.

Democrats are accused of being obstructionist, yet we have confirmed so many of President Bush's judges that we now have the lowest judicial vacancy rate in 13 years.

#### PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT

##### PHYSICIAN REFERRALS

Mr. KOHL. Section 453 of S. 1, the Prescription Drug and Medicare Improvement Act, makes changes to current law regarding physician referrals to hospitals in which they have an ownership or investment interest. I would like to engage in a colloquy with my distinguished colleagues, Mr. FEINGOLD and Mr. BAUCUS, the Ranking Member of the Senate Finance Committee, related to the "exception" language included in the bill.

Specifically, I would like to know whether the "exception" language is

applicable to The Wisconsin Heart Hospital, a hospital which is currently under construction in the state of Wisconsin. This facility is scheduled to open in January of 2004.

My understanding is that this provision will not apply to facilities which are "under development" as of June 12, 2003. The following is a summary of the status of the development of The Wisconsin Heart Hospital:

One, architectural plans for the hospital have been completed.

Two, construction of the facility is approximately 55 percent to 60 percent complete as of June 12, 2003. This estimate can be supported by invoices for materials, labor and planning, as well as the timeline for completion dictated by the projected opening date of the hospital. Furthermore, more than \$13.3 million in construction costs have been expended.

Three, all applicable zoning requirements have been satisfied by local governing authorities and can be supported by documentation. In addition, The Wisconsin Heart Hospital has committed \$260,000 to improve the fresh water supply to surrounding community, unrelated to the hospital construction.

Four, State and local building approval processes are ongoing. The facility is subject to monthly inspections by state and local officials.

Five, nearly \$20 million in equipment purchases and/or vendor contract commitments can be documented by officials from the facility.

Six, medical staff bylaws, policies and procedures have been adopted by The Wisconsin Heart Hospital Board.

Seven, all equity funding has been received. In excess of \$35 million in temporary debt financing has been secured for the facility. Of that \$35 million, approximately \$10 million has been borrowed; the remaining \$25 million will be borrowed prior to the end of 2003. Permanent bond financing for the facility has already been initiated and is expected to be secured by November 2003. This permanent bond financing will be used to replace the temporary financing referred to above, as well as to provide additional financing for the facility.

Based on the information stated above, is it your understanding that the "exception" language would apply to The Wisconsin Heart Hospital?

**Mr. BAUCUS.** Yes, it was clearly not the intent of the Senate Finance Committee in adopting this amendment to apply the prohibition to specialty hospitals that already exist nor was it the intent of the Committee to apply the prohibition to those facilities which, meeting specified criteria, are under construction currently.

Mr. KOHL. Additionally, the language of the bill specifically states that in determining whether a hospital is "under development as of June 12, 2003, the Secretary shall consider whether . . . necessary approvals from appropriate state agencies have been received." You are probably aware that laws in many states, including Wisconsin, prohibit hospitals from receiving

a license to operate from relevant state agencies until the facility is structurally complete and fully capable of operating as a hospital. Would you please clarify the Committee's intent with respect to this potential licensure issue for hospitals which are already under development?

Mr. BAUCUS. The committee certainly understands that many states will not license a hospital as operational until the facility is constructed. I believe the committee's intent was to ensure that approvals with respect to the construction of the hospital (i.e., building permits, etc.) have been secured by June 12, 2003. The lack of a license to operate would certainly not prohibit a hospital, which is deemed to be "under development," from the purpose of the statute.

Mr. FEINGOLD. Furthermore, is it the Senator's understanding that for facilities falling under the "Exception" provision, language speaking to the number of "beds" would relate to the number of beds a facility currently under development expects to license upon completion? When fully operational, The Wisconsin Heart Hospital will operate a maximum of 52 inpatient beds. State regulation requires the facility to be open and operational before any beds can be licensed.

**Mr. BAUCUS.** Yes, again, in adopting the amendment, it was the understanding of the Senate Finance Committee members that this provision would not apply to facilities which, provided they meet certain criteria, are already under development.

Mr. KOHL. I thank my distinguished colleagues for the clarification.

#### ADDITIONAL STATEMENTS

##### SAIL SAN FRANCISCO

• Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco—a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance, and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense appropriations bill is considered in conference, it is possible to provide \$800,000 for Sail San Francisco's naval/tall ships education programs. •

##### OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, I rise today to salute Ms. Janice Kane, an outstanding health care worker from my home State of Oregon. Ms. Kane is a model for all registered nurses, not

just in the state of Oregon, but across the country. Her commitment to serving Oregonians is a shining example to us all.

Like many in her field, Ms. Kane has gone above and beyond the call of duty to help patients in need. In addition to healing broken bodies, she has also worked to support the spirits of those in pain. Over the past two years, Ms. Kane has sewn over 6,000 multi-colored pillows to help comfort patients at the Good Samaritan Regional Medical Center in Corvallis.

However, Ms. Kane's benevolence is not limited to Oregonians; she recently offered boxes of pillows to soldiers wounded in Operation Iraqi Freedom. Her gift to our country's soldiers is one of immeasurable value. By offering her time and talent to this cause, Ms. Kane has helped remind American soldiers abroad that their sacrifices are not being forgotten at home.

Despite the hardships currently facing the nursing profession, Ms. Kane has not failed in her drive to serve those in need. All states are experiencing an increasing shortage of health care workers, and particularly, of nurses. Last year, the Senate passed the Nurse Reinvestment Act to better recruit and retain nurses. Nevertheless, we can and should do more. Our country's health care system needs more people like Ms. Kane, and we should do everything in our power to ensure that we support America's nurses.

I salute Janice Kane for her exceptional work as a registered nurse and wish to dignify her contribution to our great state and to our nation by naming her an Oregon Health Care Hero. •

##### IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT HEDWIG CATHOLIC CHURCH

• Mr. LEVIN. Mr. President, it is my great pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Saint Hedwig Catholic Church, located in southwest Detroit, is celebrating its centennial anniversary.

Saint Hedwig Catholic Church grew out of a flourishing Polish neighborhood in 1903 and has continued to serve those in the community ever since. Over the course of the next 100 years, the church supported a school, a convent, and many civic organizations. The church community provided a safe haven of support for many Polish immigrants as they fled Europe during the first half of the twentieth century—a time when war ravaged the continent. During the mid-1950s, Saint Hedwig was one of the largest Polish-speaking parishes in the United States. Weekly services were delivered to 1,500 families and the church's school population grew to nearly 3,000 students.

Today, the church and rectory still stand at the corner of Junction and St.

Hedwig Streets. The beautiful stained glass, statues, murals, and facade are a tribute to the history of the church as well as southwest Detroit. Saint Hedwig continues to serve people outside the congregation by maintaining a food pantry for low-income families and homeless members of the community. The church also holds special events throughout the year such as a giving tree at Christmas and baby showers for expectant mothers with low incomes.

The church has survived the effects of the Great Depression, disease, and urban sprawl because of the faith and dedication of its members. The service provided by the members of Saint Hedwig has been invaluable to the Detroit community and is worthy of recognition. I know my Senate colleagues will join me in congratulating Saint Hedwig Catholic Church and wish its members continued luck as they celebrate their 100th anniversary.●

#### UNIVERSITY OF SOUTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES CENTER FOR DISABILITIES CELEBRATES 30 YEARS

● Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the University of South Dakota School of Medicine and Health Sciences Center for Disabilities in Vermillion, SD, which will hold its 30th anniversary celebration on Wednesday, July 30, 2003.

Started in September 1973, as the Developmental Disabilities Evaluation Center, the Center for Disabilities has a long and distinguished history of providing training, service, information, and research not only to South Dakota, but to the entire region. My wife Barbara served on the DDEC staff during those initial years. Thirty years later, the school continues to serve those needs of South Dakota through current projects, such as the Autism and Related Disorders Program, Birth to 3 Connections, Cheyenne River Reservation Rural Health Outreach Project, Deaf-Blind Program, Dietetic Internship, and the Upper Midwest Public Health Training Center. The Center for Disabilities is also working with other States to provide service in projects such as the Four-State Consortium on Studies in the Prevention of Fetal Alcohol Syndrome/Fetal Alcohol Effect and the Upper Midwest Public Health Training Center.

Over the last 30 years, the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided quality services to the people of South Dakota. Their goal, which is to "work with others to create opportunities that improve the lives of persons with disabilities and those they consider their families," has been demonstrated through the citizens with whom they have worked. Those ideals have also been carried out by the students who have graduated and gone on to excel in their careers.

Not only has this center encouraged learning and research, but the University of South Dakota School of Medicine and Health Sciences Center for Disabilities also strives to bring together communities. Indeed, one of the core functions of the center is community education. The Center works to provide training and assistance, not only to individuals with disabilities and their families, but also to professionals, paraprofessionals, policymakers, students, and any member of the community who chooses to get involved.

I want to acknowledge Executive Director Judy Struck, Director of Research Amy Elliott, Director of Services and Supports Matthew Hocks, Director of Community Education and Population Studies Roland Loudenburg, Director of Information and Resources Heather Stettinichs, and Director of Academic Training Joanne Wounded Head for the guidance and support they provide to the Center and all who work with it. I would also like to take this opportunity to recognize the project and program staff at the Center: Missy Bailey, Mark Boyd, Stephanie Brown, Mary Fitzpatrick, Sherry Lafferty, Teresa Nold, Ellisa Nyberg, Susan Parr, Mary Mikkelsen Peterson, Cheryl Raysby-Park, Dennis Stevens, Brittany Schmidt, Tracy Stephens, Kimberly Butler, Pam Anderson, Gregg Drube, Rolad Ellis, and Dan Korves. Finally, I would like to recognize the hard work of support staff members: Jaime Larson, Kristen Blaschke, Jennifer Gaspars, Paula Koller, LaVita Logue, Misty Miller, Jeanette Smolik, Elizabeth Fox, and Alana Richards.

I am proud to have this opportunity to honor the University of South Dakota School of Medicine and Health Sciences Center for Disabilities for its 30 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education and research the University of South Dakota School of Medicine and Health Sciences Center for Disabilities has provided. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

#### THE PASSING OF EDUCATOR EUGENE GILMER

● Mr. LEVIN. Mr. President, I rise to extend condolences to the family and friends of the late Eugene Gilmer. Although many of you did not know Mr. Gilmer personally, he was a long-standing member of the Detroit education and political community, and his life touched many.

Eugene Gilmer's distinguished career started overseas, where he served as a member of the United States Army during World War II, part of which was in Okinawa. Following the war, he earned a Bachelor's degree in political

science from Xavier University of Louisiana. He then moved to Detroit where he earned a Master's degree in education from Wayne State University.

After earning his Master's degree, he gained his first job as a teacher at Sampson Elementary School where, 6 years later, he was promoted to the position of assistant principal. He later became principal of Fitzgerald Elementary School, where he is credited for making significant strides in improving the educational quality of that formerly troubled school. He went on to become superintendent of personnel for the Detroit Public Schools. When he retired from that position in 1985, he concluded his tenure of 35 years in the Detroit education system.

In his spare time, Eugene Gilmer served as the first African-American chairman of the Fisher Branch YMCA, and he was active in the National Association for the Advancement of Colored People, the National Alliance of Black School Educators, the Palmer Park Police Community Relations Committee and Kappa Alpha Psi, his social fraternity. He became known in the Detroit community for his involvement with the development of the International Afro-American Museum, a precursor to the current Charles H. Wright Museum of African-American History. He served as chairman of the board of directors of the museum when it was dedicated in 1993.

Eugene Gilmer provided lasting contributions to the City of Detroit, and his death will be mourned. I invite my Senate colleagues to join me in remembering the life of this commendable citizen.●

#### HONORING THE LIFE OF CHESTERFIELD SMITH OF MIAMI, FLORIDA

● Mr. NELSON of Florida. Mr. President, I rise today to express sadness at the passing of a legendary Floridian. Yesterday evening, Chesterfield Smith, one of the Nation's great attorneys, passed away in Coral Gables.

Recognized by many as the conscience of the legal profession, Chesterfield's accomplishments are almost too numerous to count. A World War II veteran, founder of one of the country's most prestigious law firms and an accomplished litigator, he dedicated himself to his family and his country.

He is probably best known on the national scene for his tenure as president of the American Bar Association during the Watergate scandal. Following the dismissal of special prosecutor Archibald Cox, Chesterfield courageously stood up to the President of the United States, publicly calling on Congress to reestablish the Office of Special Prosecutor.

Smith's brave and bold reminder that the "No man is above the law" altered the course of public debate during that difficult time.

That bravery carried over to his private practice as well. Chesterfield believed in individual accomplishment

and personal responsibility. A fierce civil rights advocate who opposed segregation in the Old South, he aggressively challenged the color barrier by making his law firm a model of diversity.

Chesterfield always led by example, but also challenged others in his profession to get involved. He encouraged his colleagues to "be somebody" in their communities. His passion and commitment to bettering our society influenced an entire generation of attorneys.

Supreme Court Justice Ginsberg described him perfectly when she said of Chesterfield. "He has devoted his extraordinary talent and energy to the improvement of the legal profession, to making the profession more honorable, more responsive to the people law and lawyers serve. She went on, "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

I send my condolences to his family and friends on this sad day. His death is a grievous loss to the entire country. He will be greatly missed.

I ask that an obituary chronicling Mr. Smith's life be printed in the RECORD.

The obituary follows.

CHESTERFIELD SMITH, INTERNATIONAL LAW FIRM FOUNDER AND OUTSPOKEN ABA PRESIDENT DURING NIXON-ERA, DIES AT 85

SMITH'S "NO MAN IS ABOVE THE LAW" WAS TURNING POINT IN PUBLIC CALL TO INVESTIGATE PRESIDENT NIXON

Chesterfield Smith, 85, of Miami, one of the country's most prominent figures in modern law and often called "the conscience of the legal profession," died today at Doctors Hospital in Coral Gables, Florida.

Smith was the founder and chairman emeritus of Holland & Knight LLP, the country's eighth largest law firm. During his 55 year career, Smith was a major force in American law and politics, humbling the mightiest and giving a voice to the common.

Smith served as president of the American Bar Association (ABA) from 1973-1974 and was best known as the daring leader who made the first public call to investigate

President Richard M. Nixon during the Watergate scandal. His simple and direct rationale: "No man is above the law" appeared on the front page of major American newspapers following the infamous Watergate "Saturday Night Massacre," October 20, 1973.

#### AMERICA'S LAWYER

In a country that is cynical and, at times, even disdainful of lawyers, Chesterfield Smith maintained a positive vision of what lawyers could be, using his own success as an example. He believed that lawyers must have an "unselfish involvement in essential public service" and encouraged his colleagues to "be somebody" in their communities.

The word restraint had no place in Smith's life. Known for his candid and sometimes brutally honest speeches, he loved nothing more than giving a rousing speech to stir up audiences.

"We are not a trade association. We are not a union," he once told a group of law students about the ABA. "We are out to improve justice and its administration of society. If you don't intend to work to improve the quality of justice, then I hope you flunk your exams."

Smith grew up in Arcadia, a small town in central Florida. He fought in World War II from 1940-1945, earning a Bronze star. He graduated from the University of Florida Law School in 1946.

After graduation, Smith returned to Arcadia and soon joined the firm of Treadwell and Treadwell. A year and a half later, he joined the firm of Holland, Bevis and McRae in nearby Bartow. He made partner in record time by capably representing Florida's booming phosphate industry. His law firm subsequently engineered a merger with the prominent Tampa firm, Knight, Jones, Whitaker and Germany in 1968. The new firm became Holland & Knight, named for founders of both firms, and became a dominant firm in Florida.

By 1965, Smith was fully immersed in the legal profession and state politics. He was elected president of the Florida Bar and chairman of the Florida Constitutional Revision Commission. In the late 1960's, his work on the Commission brought an end to the "Pork Chop Gang," a group of powerful rural Florida legislators who, for years, controlled the state government by malapportionment.

#### THE VOICE OF THE PEOPLE

Chesterfield Smith served as president of the ABA during one of the most turbulent and unsettling years in American politics, 1973-1974. In the midst of the Watergate scan-

dal, Nixon and his advisors were convinced that they could avoid handing over the Oval Office tapes and fire special prosecutor Archibald Cox without public backlash. It would take Smith's words, "No man is above the law", a large voice from a significant source, to alter public discourse towards impeachment.

Amid the Controversy, Smith publicly urged Congress to re-establish the office of special prosecutor. Undaunted by wide criticism, he led the ABA in an effort to authorize an independent counsel to investigate President Nixon. Another former leader of the ABA, Leon Jaworski, was appointed. He vigorously prosecuted the case against Nixon, culminating in appeals to the Supreme Court. In the end, Nixon felt compelled to resign.

#### PROMOTING EQUAL JUSTICE FOR ALL

Chesterfield Smith exhibited amazing clarity in a complex era in the 1960's. With this clarity came the courage and ability to recognize and embrace societal change. Unconcerned about the contrary opinions of others, he often spoke out against racial discrimination. And, despite growing up in the segregationist South Smith was one of the first to recruit minorities. Under his leadership, Holland & Knight became a model of diversity.

Chesterfield Smith strongly believed in the responsibility of individuals to take action in the civic and charitable life of their communities. Today his firm is recognized for community service efforts and extensive pro-bono legal work.

In 2002, Supreme Court Justice Ruth Bader Ginsberg presented Smith with the Laurie D. Zelon Pro Bono Award in a formal ceremony conducted in the Great Hall of the United States Supreme Court.

During the ceremony Ginsburg, praised his life-long contributions to the legal profession and his leadership in creating a firm dedicated to public service.

"He has devoted his extraordinary talent and enormous energy to the improvement of the legal profession—to making the profession more honorable, more responsive to the people law and lawyers serve" Ginsberg said. "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

He is survived by his wife of 16 years, Jacqueline Allee, and two children, Chesterfield Jr. and daughter Rhoda Smith Kibler, both of Tallahassee, Florida.●

## NOTICE

***Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.***

ORDERS FOR MONDAY, JULY 21,  
2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period of morning business until 1:30 p.m. with Senators

permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene on Monday. Under the order entered earlier, the Senate will begin consideration of the Homeland Security appropriations bill during Monday's session. Again, no rollcall votes will occur but it is hoped that Senators will be

present to debate and offer amendments.

Next week we will complete the Homeland Security appropriations and continue to work through other appropriations bills as available.

I, once again, commend Senator STEVENS for his tremendous efforts over the last 2 weeks. As mentioned earlier, with tonight's vote, we have now passed 3 of the 13 appropriations bills. We have a lot of work to do during the remaining 2 scheduled weeks prior to our August recess. I have announced on many previous occasions that the Senate will spend the last week prior to

the recess on the Energy bill. I encourage Members who intend to offer amendments to the bill to notify the chairman and the ranking member prior to that last week.

I mentioned this morning and want to mention again that I will continue to try to reach an agreement for the filing of those amendments. Members have had an adequate time to draft and file those amendments.

Again, we started this bill in the Senate on May 6. Therefore, I will continue to try to reach that consent agreement with the other side of the aisle, the agreement to have a filing deadline for the amendments.

I do wish all a restful weekend. I look forward to our continuation of the appropriations process next week.

ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, JULY 21, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Monday, July 21, 2003, at 1 p.m.

#### NOMINATIONS

Executive nominations received by the Senate July 17, 2003:

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ARNOLD GREGORY HOLZ, RESIGNED.

DEPARTMENT OF THE TREASURY

SUSAN C. SCHWAB, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE KENNETH W. DAM, RESIGNED.

DEPARTMENT OF STATE

GEORGE H. WALKER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

#### CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 2003:

THE JUDICIARY

ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.